

January 14, 1981

LB 140-151

SPEAKER MARVEL: Item #5, resolutions.

CLERK: Mr. President, LR 4 is found on page 127 of the Legislative Journal. (Read LR 4.)

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. I will be very brief. This resolution is self-explanatory. Those of you who remember the recent election, the effect that it had was rather profound on certain local officials in terms of their re-election or defeat. At seven o'clock as you recall the newsmedia, television primarily, declared the winner to be President Reagan-elect and as a result it has been brought to my attention that not only on the west coast but even it affected our own state. Those who were going to the polls suddenly decided the election was resolved and why stand in lines. So what this resolution does is encourages Congress to seriously review the problems and try to correct them by the next presidential election so this does not reoccur. This resolution is being introduced by numbers of other states and the same resolution is being sent to Congress and hopefully they will act positively. Thank you.

SPEAKER MARVEL: The motion is the adoption of LR 4 as explained by Senator Koch. Is there any other discussion? All those in favor of that resolution vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you want to go to the next one? Do you have another resolution? Okay, the next item is the introduction of new bills.

CLERK: (Read LB 140-142.) (See pages 144-145 of the Journal.)

SPEAKER MARVEL: ...(mike not turned on)...need to be processed so if you have some or anticipate some maybe we can get some more in today before we proceed with other business. The Clerk has some items on the desk that he may read in.

CLERK: (Read LB 143-151.)

Mr. President, Senator Koch would like to be excused on Wednesday, January 14 through Friday, January 16 and Senator Marsh would like to be excused all day January 15 and 16.

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LB 57, 141, 143, 524

CLERK: (Read record vote as found on pages 420 and 421 of the Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is passed on Final Reading. The Clerk will now read on Final Reading LB 57.

CLERK: (Read LB 57 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the bill is declared passed. Sorry, they gave me some new language to read up here. The question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on page 421 of the Legislative Journal.) 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 141.

CLERK: (Read LB 141 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on page 422 of the Legislative Journal.) 43 ayes, 0 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with the emergency clause attached.

CLERK: Mr. President, Senator Wagner asks unanimous consent to have his name added to LB 524 as coinstructor.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, your Committee on Education gives notice of public hearing for February 9. Signed by Senator Koch as Chairman. (See pages 422 and 423 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 143 instructs me to report the same back to the Legislature

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LB 24, 45, 143

SENATOR NICHOL: Well, I guess we really discussed the bill at quite length. I am free to speak to the bill itself finally. The bill merely....

SPEAKER MARVEL: Okay, there is nothing further on the desk so proceed.

SENATOR NICHOL: Okay, the bill merely is a bookkeeping system change whereby the money instead of going to the school fund out at Grand Island, then coming to the general fund, then back to the school fund and they spend the money would eliminate one step. The money would now come directly to the State Treasurer which would credit the money to the Grand Island school. That is all the bill says. I move for the advancement of the bill.

SPEAKER MARVEL: Senator Johnson, do you wish to speak? Your light is on. Okay, the motion is the advancement of the bill to E & R for review. Is that right, is that the motion?

CLERK: Yes, sir.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed no. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. I have two more items to read before we turn it back to the Clerk. Arlo Wirth from Hartington, Nebraska, is a guest of Senator Hefner, should be underneath the North balcony clear in the back and from Senator Kremer's district, Bob Leach from Aurora, should be underneath the North balcony. Where are you, sir? Now, Mr. Clerk, do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, Senator Haberman would like to print amendments to LB 24 in the Journal, Senator Hoagland to LB 143. (See page 446 of the Legislative Journal.)

Mr. President, Senator Kremer would like to be excused all day tomorrow, February 6.

Your committee on Revenue gives notice of public hearing in Room 1520 for February 17 and dates thereafter.

Your committee on Rules gives notice on proposed rule change offer by Senator Lamb for Wednesday, February 18.

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LB 8, 10, 109, 143,
188, 234, 336A.

March 9. Your Committee on Constitutional Revision gives notice for February 26 and 27 of hearing. (See page 460 of the Journal.)

New bill, LB 336A, by Senator Koch. (Read title for the first time as found on page 460 of the Journal.)

Mr. President, I have a report of Registered Lobbyists for January 30 through February 5. (See pages 460 and 461 of the Legislative Journal.)

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 188 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 234 to General File. (Signed) Senator Maresh.

Your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 10 reports the same back to the Legislature with the recommendation it be advanced to General File; LB 8 to General File with amendments; and LB 109 to General File with amendments. (Signed) Senator Beutler as Vice Chair. (See pages 461 and 462 of the Legislative Journal.)

SENATOR CLARK: We will now take up LB 143. The Clerk will read.

CLERK: Mr. President, LB 143 was introduced by Senator Chambers. (Read title). The bill was read on January 14. It was referred to the Public Works Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Beutler, do you want to take the committee amendments?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we are now dealing with Senator Chambers' proposal to raise the Interstate speed limit from 55 to 65 miles per hour. Basically, that is the only thing that Senator Chambers' bill did in its original form. The committee...the majority of the committee saw fit to propose three amendments. The first amendment would reduce the increase from 65 to 60. In other words, the proposal then with the committee amendment would be increase the speed limit from 55 to 60 miles an hour instead of 65 as proposed by Senator Chambers. In conjunction with that suggestion, the committee adopted a second amendment which would eliminate the

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presently existing lenient penalties that are applicable to those who exceed the speed limit by 10 miles an hour or less. The current penalty is a fine of no more than \$10, no court costs and no points assessed on the person's driving record. That is deleted from the law and the penalties that are applicable in other cases of speeding would be applicable to speeding on the Interstate. The third amendment attempts to deal with the possibility that the federal government may restrict our highway funding in the event that we proceed to pass this law, and it basically authorizes the government...the Governor to establish the speed limit on the Interstate at 55 miles an hour if there would be a loss of federal funds as a result of the state having a speed limit of 60 miles per hour, and the Governor would be required to hold a public hearing before lowering the speed limit and would be required to give public notice if the limit is changed. So those are the three basic suggestions that the committee is asking you to adopt. Thank you.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the first thing I would like to do... (interruption).

SENATOR CLARK: Senator Chambers, do you want to take up your amendment first?

SENATOR CHAMBERS: Oh, very good.

SENATOR CLARK: We have an amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Chambers moves to amend the committee amendments numbers 1, 2 and 3 by striking "60" and reinserting "65".

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Beutler knew that I would not accept the reduction in my original bill from 65 to 60, so this is not catching him or I don't think anybody else by surprise. I won't go into all of the merits as to why the limit should be raised to 65, but I do think if we are going to consider seriously increasing the speed limit on the Interstate it should be by an amount substantial enough to make a difference. So I am opposed

to the committee amendment, which while raising the speed limit from the present 65 to 60 would nevertheless reduce what I am offering by 5 miles per hour. Another part of what I have up there is to divide the question so that we deal with this issue of the committee amendment trying to reduce my bill from 65 to 60 from the other committee amendment that would repeal the section of the law that limits the penalty for exceeding the limit by 10 miles or less. Let me tell you what would happen if you would adopt both of the committee amendments, and I am very frank about my concerns and I have always mentioned it with reference to the speed limit. You will, in effect, wind up with a net loss in the speed that people can travel without the possibility of severe consequences. Right now with the 55 mile an hour speed limit if you exceed that limit by 10 miles an hour or less, the only penalty is \$10, no points off your license, no court costs. With what the committee amendments do, you would repeal that section of the law and merely raise the limit from 55 to 60. In effect, the bill would not do anything. It would not improve the rate at which traffic can travel on the Interstate. It would impede it from what it already travels. Looking at this handout that Senator Hoagland prepared for a different reason, you will see where the State Patrol Superintendent said the Interstate is the safest means of travel, it has established itself as the safest means of travel, therefore, if this road, having been engineered to handle high volume traffic at a speed of 75 miles per hour, we are asking only that we allow traffic to move at 65. This would produce a 10 mile differential between the regular roads and the Interstate and would therefore be an inducement for people to use the Interstate which the State Patrol Superintendent and others through studies have established as being safer than other roads. So to put in a nutshell what I am doing with this part of my amendment is to amend the committee amendment to strike where they put 60 and reinstate 65 and I hope you will support it.

SENATOR CLARK: Senator DeCamp. We are talking on the Chambers amendment.

SENATOR DeCAMP: The only reason I am even talking on this now is because a couple of my friends here are asking me since I was on the committee where we did this, just what position we have got the bill into, and it really is kind of complicated at this point, because if you adopt the committee amendments, I claim and I

think Senator Clark and some others who were on the committee, Senator Chambers would agree, if you adopt the committee amendments, you are actually decreasing the speed limit in Nebraska by 5 miles an hour. That's right, it isn't an increase, it is a decrease of about 5 miles. Now that sounds complicated so let me try to explain why. At the present time, I climb on that Interstate and the speed limit says 55, right? But you and I know and all the truckers and everybody else knows that Nebraska has a unique situation, the only one in the United States, one of Ernie's clever movements one day on a Friday when everybody was bored, Ernie changed the law a little on the Interstate. Between 55 and 65 it is against the law but there is no penalty basically. You don't get points against you which is what we really all are concerned about. You don't have court costs, whether it goes to the judge's retirement or anywhere else. The only thing you have is kind of like a \$10 fee. You might say it's a \$10 license to go 65 on the Interstate, and we are the only state that has this, I think. Aren't we? And Ernie concocted it one day and the Attorney General said, well, you can't do that, that is unconstitutional and went to the Supreme Court and they said, yes, I guess you can, if you want. So it has been legal here and everybody knows it. Basically, the speed limit in Nebraska is 65 with the understanding that it's a \$10 license fee if you do get caught, but then don't want to worry too much about that. It's cheaper than points and all that. What does the new bill do if you adopt the committee amendments? You eliminate this new special privilege. Okay? So you don't have that free period between 55 and 65. You have eliminated that. So whatever speed limit you set, that is it. Well, the new speed limit with the committee amendments is 60. So at 60, points, court costs, the whole works. Whereas right now it is sixty...well, you have to be going at least 66 before it has any effect. So why am I explaining all this? Number one, so you can understand that with the committee amendments completely intact what you are doing essentially is lowering the speed limit by 5 miles an hour. With Ernie's amendment, you have the speed limit at 65 which is really kind of honestly exactly what it is now, but you know it is illegal. We aren't hedging anymore. You don't have to pay your license fee, but you don't have that other thing we always had, the freebie on points any more, that stuff. So if you go 66 under his law, if he is successful with his amendment, you go 66 and they are going to nail you probably and hang you because now they have got...they know they get the points, they know they get the whole works. Now that sounds complicated but it really is.

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So I urge you to adopt the Chambers amendment, and then we can talk about the whole bill later whether we should do it or not. But if you don't adopt the Chambers amendment and do adopt the committee amendments and advance the bill, basically you are lowering the speed limit 5 miles in the State of Nebraska over what we have in practice.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support the Chambers amendment also. I am not sure that I concur with my good friend, Senator DeCamp, that it is so complicated. I think it's really very simple. When you get out on that Interstate, if you drive 55 miles an hour, you better watch out or you might get run over. The way the law is right now as Senator DeCamp pointed out so eloquently, we really have a 65 mile per hour speed limit out there on the Interstate. I think it should stay that way. But I think we should be consistent. I think we should be consistent so that if I exceed the speed limit on the Interstate at 65 miles an hour, I get the same amount of points that if I exceed the speed limit at 55 on any other state highway. I think we need to recognize the fact that the Interstate system was designed for a faster speed and to make it safer. The Interstate system is safer than the state highway system. To have the same speed limit on both systems is ridiculous. I further agree that if the committee amendments are adopted, in reality we are lowering the speed limit 5 miles an hour and I will have to also admit that I have got a special interest in it. It's just going to take me that much longer to get home or get down here. I believe this is an instance that we can pass a law that will basically let the people of the State of Nebraska do what they are doing without making a mockery of a law that we have now, and that is exactly what is happening at the present time. I certainly support the Chambers amendment.

SENATOR HABERMAN: Mr. President, members of the Unicameral, my daddy always taught me that there was no substitute for experience, and I don't know of another man in the Legislature that has had more experience with the speed limit than Senator Chambers and therefore I support his amendment to raise it to 65.

SENATOR CLARK: Senator Wesely. Senator Wesely. We are on the Chambers amendment.

SENATOR WESELY: Mr. President and members of the Legislature, I would oppose the Chambers amendment for a number of reasons, but I think Senator DeCamp did indicate I think quite rightly that, in fact, with the amendment we do lower the speed limit on the Interstate in the State of Nebraska from what is essentially in a hidden way 65 down to 60, and I have opposed raising the 55 mile per hour speed limit, but you see my vote in support of this bill which supposedly would increase the speed limit, while, in fact, quite frankly Senator DeCamp hit it right on the head, in fact, we would be lowering the speed limit and I think that from 65 to 60 is a wise step to take. I think that we were conducting a sham on this state by having the lenient penalties that we have on speeding on the Interstate. I think we should have been upright and forthright and should not have done that in the first place. But I think this bill is more justified. I think a 60 mile per hour speed limit is with the penalties that there are for speeding above that probably a wiser step to take policywise for the state than what we presently have. However, ultimately I think the 55 mile per hour speed limit is justified and should be continued. I think if you will look at polls across this state, although many of you feel it is a very popular thing to support raising the speed limit, I think polls will indicate, in fact, there is a great deal of support, perhaps a majority support for keeping the speed limit at 55 miles per hour. There are a number of reasons for that and you have heard many of them discussed already. But nevertheless I think the most fundamental point and the reason I would oppose raising it is because this all came about when the energy crisis hit and we all decided we had to do something, we had to make some sacrifices in order to save this country from a very major disaster with energy and so we cut back and we cut back from 65 to 55, we cut back, in fact, from 75 to 55 on the Interstate. Now it seems to me that energy crisis is still there. We are still paying exorbitant prices for energy. The problem is not going away and yet we are starting to ease up a little. Sure, this is a step that many of you can justify but it is a step in a direction I don't think we should be taking at this time. The need to deal with the energy crisis is not past. The need to deal with the fact that some sacrifices have to be made in order to save energy because of the crisis that we are in still should be recognized by this state and I think to ease up at this point is wrong. It is an indication that we aren't willing to make a sacrifice to our international community,

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that we are not willing to try and save energy because of the situation we are in, and in fact are ready to go back to our extravagant ways and speed along on the Interstate or highway or whatever at whatever speed we wish. I think that is wrong. I think policywise it is wrong. We save lives, we save energy with the 55 mile per hour speed limit and we should preserve it.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. The question is, shall debate now cease? All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record.

CLERK: 30 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Senator Chambers, do you wish to close? No closing. All those in favor of Senator Chambers' amendment vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 27 ayes, 12 nays, Mr. President, on adoption of Senator Chambers' amendment.

SENATOR CLARK: The motion carried. The amendment is adopted.

CLERK: Yes, sir. Mr. President...(interruption).

SENATOR CLARK: I think what we will do right now is adjourn until Monday. There is no way we can finish this by noon. Senator Nichol, do you want to adjourn us until 9:30 Monday morning?

SENATOR NICHOL: Mr. Chairman...(interruption).

SENATOR CLARK: He has some things to read in I think. About thirty seconds, we have a report to read in. 9:30.

CLERK: Mr. President, Senator Newell would like to

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LB 81, 143, 207

SENATOR KILGARIN: I move LB 81 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced.

CLERK: Yes, sir. Mr. President, Senator Koch would like to have amendments printed to LB 207 in the Legislative Journal. (See pages 471-472 of the Journal.)

SPEAKER MARVEL: No objection, so ordered. We now move to item #6, General File. The first bill is LB 143.

CLERK: Mr. President, LB 143 was last considered by the membership this past Friday. (Title read.) The bill was read on January 14. It was referred to the Public Works Committee. It was advanced to General File with committee amendments. The committee amendments were discussed last Friday. Senator Chambers had an amendment to the committee amendment that was adopted. I now have amendments to the committee amendments offered by Senators...well first of all Senator Labeledz wants to add her name as coinroducer to the offer of these amendments, Mr. President.

SPEAKER MARVEL: No objection, so ordered.

CLERK: The amendments then, Mr. President, are found on page 406 (sic) of the Journal and they are offered by Senators Labeledz, Koch and Hoagland and they are amendments to the committee amendments.

SPEAKER MARVEL: Senator Stoney, your light is on. Do you wish to be recognized? Okay, Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, Senators Labeledz and Koch and I are offering an amendment to Senator Chambers bill that would exclude from any increase in the speed limit the interstate system around Omaha. Now let me say at the outset, speaking for myself only, I am against any increase in the speed limit at all in Nebraska. In addition to my own views on the subject I have talked to about five constituents over the last four days, and to an individual, those persons are against increasing the speed limit and I have really been surprised at the unanimity of the constituent response that I have gotten. It confirms my own feelings that for safety reasons, for energy conservation reasons and because of the possibility of our losing up to \$70,000,000 of federal funds it simply doesn't make any sense at this point to increase the speed limit. One particular individual, a minister at Dundee Presbyterian Church gave me what I thought was the most cogent reason

against increasing the speed limit and one that I really had not thought of until he mentioned it to me and that is that it is just so much more comfortable to drive on the roads if you know that you can go 55 and that everybody else is going to go 55 without the feeling of having trucks and other kinds of vehicles bearing down on you at 65 or 70 or 75 and I know something I have experienced over the last several years with the 55 mile an hour speed limit is that it really is just a lot more relaxed to drive around on the highways of our state and I think it makes a lot of sense for that reason as well as the other reasons we know about generally to leave it at 55. Now particularly with respect to this amendment that we are addressing, last Friday we had distributed to you an article that appeared in the World Herald in June discussing in some detail the safety problems we have with our network of interstates around Omaha. Now I am sure a lot of you have driven along Interstate 80 through South Omaha and Senator Labedz and Senator Kilgarin can address this problem more specifically, where we have essentially a system of ramps that simply was not designed to handle the kind of traffic it is getting now. Some people think, including the police chief in Omaha, Mr. Anderson, that there was defective design in those roads. Other people dispute the allegation that the design is defective but people seem to be unanimous in their agreement that it was not expected that the interstate system around Omaha would have anywhere near the volume of traffic that it has now. As Senator Beyer will indicate the interstate system in Omaha has essentially become a commuter road. In the morning and in the afternoon we have hundreds and hundreds of vehicles that are travelling from west Omaha downtown or in the afternoon, downtown back out to west Omaha. They are on the interstate only fifteen or twenty minutes. They are using it only as part of their travels to and from work and it simply does not make sense given the volume and given the risk and given the danger and given, most important, the fatalities that we have had on that stretch of interstate since 1973, which that World Herald article makes reference to, to raise the speed limit along that particular stretch of road from 55 to 60 or 65 and I would urge you, colleagues, that regardless of your feelings about raising the interstate in central and western Nebraska, raising the speed on the interstate in central and western Nebraska, please allow us in Omaha where we have really a different set of circumstances and a different situation and where the safety reasons have particular bearing, please permit us in Omaha to pass this amendment leaving it at 55. Now Senator Chambers in arguing against this amendment will probably point out the fact that the Roads Department has the authority to leave the speed limit at anything less than 65 at various stretches along the interstate if it wants and I don't dispute that. We

checked with the Roads Department and they believe they do have the discretionary authority but I'm not that confident and I don't think they know themselves at this point whether they would exercise a discretion to leave it at 55 around Omaha. I would like this bill to provide, if it does pass, as an insurance policy for the people in Omaha to provide that under no circumstances can the speed limit exceed 65 in the network of freeways and interstates around Omaha and I think, colleagues, that you will find that the Omaha delegation with the exception of Senator Chambers and perhaps one or two others is virtually unanimous in this feeling about what is proper for our part of the state and I would urge you to adopt this particular amendment. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. I strongly support the amendment, so strongly that I asked for my name to be added to the amendment this morning. I am one of the people that have to travel the interstate in the City of Omaha going down to the Federal Building every morning. I live on 40th Street and I have tried on several occasions to go onto the interstate at 42nd but that is almost impossible because you have about two minutes to get from one lane that leads you to the Kennedy Interstate to get into the middle lane to go downtown. So now in the last two years I have been going to F Street and getting on the interstate at the Kennedy Freeway and this especially, I believe, is the most dangerous part of the interstate. I have seen accidents there that are unbelievable. Going down to Omaha, I know the cars are very very heavy around seven-thirty but as soon as the bumper to bumper traffic slows down, then the cars coming from the west going east is very very fast and it is almost impossible to get over into the lane that you require to get downtown. I am asking that we keep the 55 mile an hour speed limit for at least Omaha. I don't and will not support the bill if it is 65 all the way through the State of Nebraska. I think we need the 55 mile an hour at least in Omaha because the traffic, as I say, is too heavy for them to be going 60 or 65. The speed limit as it was reported in the paper in the last couple days did result in several calls to me over the weekend and people that do work downtown are very very upset about it because I have seen accident after accident at least from 42nd to the area of downtown Omaha. I urge each and every one of you to consider the 55 mile an hour speed limit for at least in Omaha and then think very strongly about increasing it to 65. If this bill is going to pass I would prefer to see it at 60 miles an hour. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am looking at the article that was handed out by Senator Hoagland and Senator Koch and as I look on the second page I am going to take the argument that they offered. There was an individual named Robert Grant who was the Nebraska Roads Department's statistical analyst and he said the Omaha interstate has 1.19 fatalities for one hundred million vehicle miles while the rest of Nebraska urban interstate has had 1.30 fatalities per one hundred million. So it would seem that Omaha has a lesser rate of fatalities than the rest of the urban interstate in the state. If you look at the entire picture based on this article on the front page it says there have been, I think, nine fatalities in the area being discussed since 1972. Now it is bad to play numbers when you are talking about the lives of people but nevertheless, from 1972 to 1981 represents nine years. There have been nine fatalities in nine years which can hardly be considered catastrophic. This number of accidents could be caused by any of a number of circumstances besides the rate of speed at which a vehicle is moving. So what I think should have been done by Senators Labedz, Koch and Hoagland is to get those nine fatalities and demonstrate that it was the rate of speed at which the vehicle was traveling that caused the accident. Nobody will argue that a car striking an obstacle at a lower rate of speed will be less seriously harmed than one travelling at a higher rate but what we are talking about is the movement of traffic on an interstate system designed to move traffic all the way across the country and in this instance, throughout the state. The statistical analyst from the Department of Roads in the article that was handed out by Senator Hoagland to support his argument indicates that Omaha has a lesser rate of fatalities than the rest of the state and in either case the rate is not that high, 1.19 in Omaha as opposed to 1.30 in the rest of the state. So what I think is happening here is an attempt to freight this bill with a lot of excess baggage that is not needed. I gave a handout to each of you and you will find it in your boxes if you have not seen it already which points out that the State Department of Roads, not "may" have the authority, they "do" have the authority after traffic and engineering investigations to raise or lower the speed limit within or without the corporate limits of any city. So I think that the amendment being offered is not needed. However, I would like to ask Senator Labedz a question before I sit down because I think my time is almost up.

SPEAKER MARVEL: Senator Labedz.

SENATOR CHAMBERS: Senator Labedz, did you say that you would agree to a rate of 60 miles an hour at this point within the corporate limits?

SENATOR LABEDZ: Oh, not in the corporate limits, no. 60 for the state and 55 definitely for Omaha.

SENATOR CHAMBERS: And at what point would you, how would you warn people on the interstate that the speed limit is going to drop 10 miles per hour?

SENATOR LABEDZ: By signs. When I am going over to Offutt Air Force Base the speed limit is 55 and then it is reduced to 35 and it says, "Reduced Speed Limit, 35 miles an hour."

SENATOR CHAMBERS: All right, and so we at various points along the road before you got to the corporate limits of Omaha would put warning signs that the reduced speed limit ahead and it will be 55.

SENATOR LABEDZ: Correct.

SENATOR CHAMBERS: Thank you. Members of the Legislature, you still have to look at what actually is happening now and it is admitted by everybody. People are driving at about 65 miles per hour anyway. As with prohibition, you cannot change merely by legislative fiat what people are doing. If you drive in the stream of traffic then you will not be driving at 55 miles per hour. On the other hand if the congestion is what we have been told that it is you could let the limit be 150 miles an hour but the sheer volume of traffic will hold it to a speed lower than that. So I don't think that there ought to be a gap put in the rate of speed that a person can travel on the interstate so I am opposed to the amendment.

SPEAKER MARVEL: Senator Kahle, your light is on.

SENATOR KAHLE: Mr. Speaker, I would like to ask a question of Senator Hoagland if I might, please.

SPEAKER MARVEL: Senator Hoagland, do you yield?

SENATOR KAHLE: If you change the speed limit in Omaha to 55 would there be a point loss if you went above 55 under the present the way the bill is written?

SENATOR HOAGLAND: Well I don't believe the amendment has yet been attached to the bill. Senator Chambers can correct me if I am wrong. I think part of Senator Chambers' plan is to do away with this 10 mile an hour cushion. Now I think we would still, from Omaha, would still like to do away with that 10 mile an hour cushion so we would have a real 55 mile an hour speed limit on this stretch of interstate in Omaha.

SENATOR KAHLE: Well that would certainly be the way I would like to see it if you are going to change it because I think that is the reason the present law hasn't been enforced.

SENATOR HOAGLAND: I agree. One other point, Senator Kahle, and I don't want to take up your time but a traffic survey was done by a newspaper in Omaha last June and only one out of five vehicles on that stretch of interstate that we are talking about exceed 55 miles an hour so people do obey the speed limit in Omaha. 80% of the traffic does.

SENATOR KAHLE: Thank you. I am surprised to hear that last statistic because it seems to me when I drive to Omaha I have to speed up when I get in the city limits. Thank you.

SPEAKER MARVEL: Senator Beyer.

SENATOR BEYER: Mr. Speaker and members of the Legislature, I basically will support the 65 mile an hour speed limit but I have a lot of reservations like the introducers of the amendment in the City of Omaha and a lot of it has to contend with mostly the entrance ramp there on the northbound Kennedy Freeway into I-80 as it comes across from Iowa. It is a very narrow area and there has been a lot of accidents in that particular area pertaining to the truck traffic that comes out of the stockyards. It is one that narrows down to where you have the traffic coming off of the freeway onto the interstate and it goes into one lane to enter the...to continue on 80 where 480 comes into it and then also when you get on out west and you try to get off to go onto the I Street-L Street exit you have to cross traffic in that particular area. You have traffic coming from the north, traffic coming from the east that enters there and I believe that I agree with Senator Chambers that I think the highway department has the where for all to lower those speed limits but they are not doing it which means that we have to go into some kind of legislation that will have them do it. So that is basically why I would support the amendment.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, Senator Chambers is correct in his statistics on fatalities. This doesn't concern me as much as the property damage which is considerable. Senator Beyer alluded to some of the exits and the access to the interstate. Again, these are dangerous and if we increase our speed limit in our area to 65 I think we are going to have a considerable increase in property accidents and, therefore, possibly in fatalities. Some of that problem has been diminished since they put stop lights at 72nd off the interstate and at 84th off the

interstate but we still have the same problem coming out of Iowa on the Kennedy Exchange, the same with the north exchange when you are going into Omaha and all you have to do is drive that in the morning which I have done a number of times when it is bumper to bumper and you are going to see that traffic now is probably 25 to 30 miles an hour. I'm not saying they will continue to do that because of the density of the traffic but I think it is important that if we are going to go to 65 on the interstate then the high metropolitan high density areas that there is indeed a lowering of the speed limit for the interest of the public. I cannot in good faith support 65 unless we do this in this area. If you look at the design of the interstate when it was originally put together there were twenty some thousand cars average on the interstate. Today that is tripled and quadrupled in some areas but I think it is imperative then that even though the State Department of Roads may have the ability to do this now that we make it very clear that if we go to 65 they will indeed lower the speed limit in that area to 55. If that city were like Lincoln where the interstate is outside the city that wouldn't be so bad but you have got to remember the interstate goes right through Omaha on several occasions and to me this is the area that I am concerned about and that is why I am supporting this amendment. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, understand me well. I can comprehend the concern expressed by these other senators but their concern is somewhat flawed if you ask me because if with the present design of the highway the number of fatalities have occurred, why are they not doing something to try to alter the design of the highway? I think that an effort is being made to destroy the community I live in by cutting through it with a freeway and putting nine foot earth berms on each side of it which will split the community so I am trying to do something legislatively about it. If people are, in fact, abiding by a 55 mile per hour speed limit which my experience contradicts as Senator Kahle's does and I drive through there every day and probably more than anybody on this floor. Sometimes I have to do it several times a day but if people are abiding by the 55 mile an hour limit and you have one fatality a year and that has caused concern and you have property damage because of design, why are not these senators from the Omaha area trying to alter the design of that highway? Alter the length of these ramps, the sharpness of the curves or the feeder streets. They can do that. They can put forth the effort but not one of them has tried to do anything about it so I have to conclude that this is merely a

strategem to defeat the bill if possible but if not defeat it, to create so much confusion about what is being done that people won't know where we are at a given point on the bill, so I would like to ask Senator Hoagland a question. Senator Hoagland, there are a lot of people who have to travel much greater distances more frequently on the interstate than you would because of your line of work which primarily is in Omaha. So if your concern about the Omaha area where you live is taken care of, would you then support the bill?

SENATOR HOAGLAND: No, I announced...I indicated earlier, Senator Chambers, I didn't want to be misunderstood on this issue. I am against the bill no matter what it provides in terms of increasing speed limits but because I don't really have a feel as to the kind of support you have, I just want to be sure we have an insurance policy for Omaha in case the bill does pass.

SENATOR CHAMBERS: Thank you, Senator Hoagland. Members of the Legislature, this is one of those issues that I think you ought to consider very seriously. The people in Omaha do have a different outlook as well as some of the senators from Lincoln because they are not on the interstate a great deal of the time and if, as has been pointed out, time is money for some people, licenses can be lost. Insurance rates can be raised because you exceed a speed limit which while exceeding it you are not creating a hazard but it can be money out of your pocket in several different ways and even threaten your livelihood if you make your living by driving. It is very easy if you are not faced by those circumstances to self-righteously say well I am for the speed limit at 55, let's leave it where it is, it is good, it saves fuel and everything else and nobody is inconvenienced by it. Senator Hoagland talks about the leisurely fashion in which he can drive on the interstate and there have been studies that have shown that you drive at such a slow rate of speed, you are on the highway so long that you tend to lose concentration and lapse into a semi-hypnotic state. There have been people who have driven up on the back of the trucks with their eyes wide open, but the monotony of the countryside and being in that situation for such an extended period of time itself created a hazard. So let Senator Hoagland drive on the scenic roads that he is concerned about but those of us who must use the interstate for the purpose intended, give us what we need and I am for this bill and I am still opposed to the amendment because their statistics defeat their argument.

SPEAKER MARVEL: Senator Fenger.

SENATOR FENGER: Mr. President, members of the body, what are we discussing in this amendment? We are discussing roughly eight miles of I-80 in Omaha. Those of you out-state who are going to be eastbound to Chicago are going to have to slow down to 55 miles an hour when you cross the Missouri River. We are asking you to slow down to 55 miles an hour eight miles ahead. If you are westbound you have been 55 miles an hour all the way through Iowa. All we are asking for is eight miles through the City of Omaha. Rightly or wrongly, that stretch of I-80 in question is not just an interstate highway. It is private mass transportation and commuter traffic in Omaha. On the other hand, those of us who commute and turn the radio on, it is very rare in the morning when we don't have traffic advisories of three and four car pile ups, one lane traffic on that stretch at 55 and I submit to you that without this amendment those three and four car pile ups are going to become six to ten car pile ups and traffic will be a lot worse off with that ten mile increase in that area. Thank you.

SPEAKER MARVEL: Senator Vickers and then Senator Schmit.

SENATOR VICKERS: Mr. President and members, once again we are dealing with an Omaha issue. The State Legislature is attempting to legislate for a particular portion of the State of Nebraska, namely Omaha. I have driven that interstate system through Omaha. I have driven through there at rush hour and I'm a little bit surprised at my good colleagues from Omaha telling us how people up there now are driving 55 and saving lives and thus, let's don't raise the speed limit because they are going to be driving faster. Well as somebody that spends a lot of the time on the interstate highway system every weekend two hundred miles one way and two hundred back, at least four hundred miles every weekend, the times when I have driven through Omaha at rush hour I have had to speed up when I got to Omaha. If they are only driving 55 out there it is...my speedometer must be wrong on my car. I will agree, I think the people that commute in Omaha have a problem. I would suggest the problem is the people that are behind the wheels. I think we need to point out that we are not raising the minimum. If they want to drive 55, fine. They can drive 55. We are not saying that you have to drive 65 but from my perspective I think they are right now. I would also suggest that the interstate highway system was designed to be interstate, not designed to be a traffic for city traffic but the City of Omaha has used the interstate system for that. It seems to me that once again this body is in the process of developing class legislation and I wonder how long it is going to be before Lincoln wants an exception and Kearney and various other places in the state. I am considering that if it is such a safety feature that we are after maybe we should put an

amendment to this amendment to lower it to 25 through the City of Omaha, then we would really be safe. Senator Beyer pointed out the accidents on the interstate system on the radio and I listen to the radio in the mornings also, not because I am out there commuting but just to be listening to the radio to hear what the news is and I would suggest that there are also pile ups on other streets in the City of Omaha, namely Dodge Street and many other places where I have heard that there were traffic problems and I think they do have lower speed limits in many of those places than 55 and still have fender benders. So perhaps we should just simply lower the speed limit to a reasonable figure that would really save lives in the City of Omaha, put it down to 25 and maybe that would really do the job that they are after.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, on the surface it would appear that there is much ado here about nothing because the principle that whether or not we increase the speed limit is not going to change the facts of life very much. At the present time on the interstate you can drive 65 miles an hour and you will receive a ten dollar fine, no court costs and no points. If the letter of the law were followed in this instance you would be legal up until 65. Senator Hoagland would like to hold it down to 55 in the City of Omaha and I can see his rationale because of the high density of the traffic there. Actually what we are talking about here is perhaps the wish on the part of some of us that by increasing the speed limit to 65 on the interstate that the Patrol will give us a little more grace of three or four miles per hour to 67, 8, or 9. Insofar as I am concerned the vast majority of the citizens of the State of Nebraska are still going to travel on the secondary roads and the speed limit is going to still remain there at 55. I see absolutely nothing to be gained at this time by passing this law. I am sorry to disagree with my good friend Senator Chambers but I don't think the three or four mile per hour additional you can get above the 65 hoping you are in the grace area is going to be sufficient but I have a hunch the Patrol will be very meticulous about enforcement anything over 65 miles per hour. I know that other states they are very punctual about enforcing the 55 per hour speed limit. I don't like to drive below 55 but I am being convinced that I am going to have to if I am going to continue to drive at all. There is something else that I think we need to talk about and that is the trend toward the smaller automobiles. I don't like to drive in a motorized beer can at even 55 miles per hour because I have seen what can happen when those vehicles strike an abutment but many of those

engines in those small vehicles are going to have a dickens of a time getting above 55 and lasting any length of time. Also the smaller vehicle is going to be in competition on the interstate with the heavy trucks and when you put that small vehicle next to a heavy truck at 65 you are asking for a lot of trouble. It would not surprise me one of these days if the rush to small automobiles continues, that we will have special lanes at least for trucks and some for the small vehicles. I really think that we will not gain one thing by the passage of this bill. I hate to disagree with Senator Chambers. I do not think the Patrol will give us a grace range of four or five miles per hour. I think they will enforce the 65 miles per hour speed limit and they will do so punctually and maybe with a little more enthusiasm than they even today enforce the present law. I have stayed out of this. I am not going to commit myself yet at the point as to what I will do on the bill but I think that when you look at the high density traffic Omaha has, I think Senator Hoagland has a point and I think that when you look at the facts of life over the next few years, the smaller vehicles, the increased price of gasoline, the small engines in those vehicles are not going to have the performance that you might want to operate at 65 miles an hour. We may not like it but it looks like we are locked into a position of 55 miles per hour. There is also the possibility...

SPEAKER MARVEL: You have a minute left.

SENATOR SCHMIT: ...that the federal government will take an action in this area. If they do so and make it nationwide that is a different story but I think there is also an element of confusion when we have 55 as a legal speed limit on the secondary highways and 65 as the legal speed limit on the interstate so at this time I would suggest that we perhaps support Senator Hoagland's amendment and then eventually kill the bill.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to oppose the Hoagland amendment because I think it will make the bill too palatable and then the bill may pass. As you well know I represent an area where there is a lot of wide open spaces and there are a lot of people out there that would like to see the speed limit increased all over the state, however, I am firmly convinced that the reduction in speed limit to 55 miles an hour has saved fuel, has saved lives. So I would like to see the speed limit remain at that point and so as I mentioned before I will vote against Senator

Hoagland's amendment because I see it as a vehicle by which the bill will be made more palatable, more people will vote for it and, therefore, it has a better chance to pass. That is my reasoning. Thank you.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would support the amendment, but like Senator Schmit and Senator Lamb, I do hope the bill gets killed in the end. Senator Schmit really hit on a couple of the points that I thought were most important and so I won't reiterate in detail what he said but let me emphasize a couple things related to those same points. Almost everybody agrees that the energy savings are some place between one and two percent. Now that doesn't sound like a lot of savings until you start translating it into dollars and according to the Department of Transportation's statistics that is 3.4 billion dollars. So that is a lot of money that we are talking about. Another important item that they mentioned which I think you can accept as true, and if you do, I think it is very important and that is that the smaller the car gets, the greater the savings. Cars are getting smaller. According to an article in the World Herald yesterday automobile manufacturers estimate by the 1986 at least 50% of all cars bought in this nation will be what we today consider a small car. So those energy savings that we are seeing right now are likely to be increased significantly as cars get smaller. Secondly, in terms of safety I would reemphasize the point that Senator Schmit made with regard to cars getting smaller. As they get smaller they become more dangerous especially when there are big trucks on the highways and I would remind you that this year in the Legislature before the Public Works Committee we will be considering bills that have the effect of allowing trucks to haul more weight. The emphasis from the trucking industry is to come to this Legislature with requests for bigger and bigger trucks and I don't have to tell you also not only are the trucks bigger, but all the trucks have C.B.s and all the trucks are the ones that are tending to go a little faster than all the rest of us. So you have big trucks and you have trucks going faster and they are going to be going on a runway that has smaller and smaller cars on it. So I think that the danger that is there today is going to be exacerbated in the future. I would also mention that the insurance agents before the Public Works Committee indicated that if the law were changed that probably insurance premiums would go up. So you have energy savings, you have safety savings and the cost, and you save the cost associated with good safety practices and you have a savings on insurance premiums and on the other side, the way I see it, you have some losses in terms of the time loss that individuals will be spending on the highways and that is no small

loss but I guess the main point I wanted to make is that it seemed to me that all the benefits of reducing the speed limit are likely in the next ten to fifteen years to increase whereas all the losses that occur because of the drop in the speed limit will remain pretty much constant. So if you think the arguments are pretty balanced today, I suggest to you that ten years from now they aren't going to be nearly as balanced. They are going to be much more on the side with a 55 mile an hour speed limit and give that some consideration when you are deciding how to vote on this bill. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: The previous question has been called for. Do I see five hands? I do. The question is, shall debate now cease. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: The motion carried. Debate has ceased. Senator Hoagland.

SENATOR HOAGLAND: Let me, Senator Clark and colleagues, just make a few remarks in closing. Senator Chambers raised a monotony issue indicating that people are more likely to pay less attention when they are driving at 55 than at 65. I mean, I don't think that argument makes a lot of sense myself. I think the monotony of driving on the interstate hits you whether you are driving 55, 60, 65 or if this bill passes, 70 or 75. If you do get struck with interstate monotony you are certainly more able to recover and more able to drive safely after you found yourself veering one direction or the other if you are going ten miles an hour slower. Let me just make reference to a study done by the State Department of Roads about four years ago that indicated that the most frequent contributing factor to fatal accidents and the second most frequent contributing factor to all accidents is the factor of exceeding safe speed and they define safe speed as being whatever speed is appropriate under the weather conditions and the road conditions existing and that in 23½% of all fatal accidents in 1977 exceeding safe speed was the number one factor. I just think it is clear that the relationship between safety and speed is a major one and it is just not correct to say that we can continually increase the speed limit and the roads are going to nonetheless remain as safe as they are today. Again, particularly because of the problems we have around Omaha where we have had over 20 fatalities

in the eight mile stretch of interstate Senator Fenger mentioned since the early 1970s, it really is important to have this amendment attached. Thank you, Mr. Speaker.

SENATOR CLARK: Before we take a vote on this I would like to introduce to you Mr. Floyd Pohlman who was a Senator in 1952 in this Nebraska Unicameral. He is a guest of Senator Remmers. It says here he is a very hard working progressive mayor of Auburn for ten years. Will you stand up, Floyd, and let us recognize you please. The question before the House is the adoption of the Hoagland amendment to 143. All those in favor vote aye. All those opposed vote nay. This is an amendment to an amendment. It takes a simple majority. Record the vote.

CLERK: 29 ayes, 1 nay, Mr. President, on adoption of the Hoagland amendment.

SENATOR CLARK: The motion carried. The amendment is adopted.

CLERK: Mr. President, we now have the amended committee amendments before us.

SENATOR CLARK: Senator Kremer, do you wish to take the amended committee amendments?

SENATOR KREMER: Mr. Chairman, members of the Legislature, I understand that an amendment to the committee amendment was passed Friday in my absence. Senator Chambers will take the speed limit back to 65 rather than 60. Okay, that leaves us then with two amendments with respect to committee amendments. Number one, it would eliminate the more lenient penalties for speeding to no more than ten miles on the interstate which would provide for no more than a ten dollar fine and no court costs and no points assessed against the driving record and then there is the second part to the committee amendment which provides that the Governor can, by executive order, lower the speed limit on the interstate back to 55 if there is a threat or a danger of losing federal funds. Those are the committee amendments that are left as I understand them and I move for their adoption.

SENATOR CLARK: Do you have an amendment on the desk.

CLERK: Mr. President, not an amendment but I understand Senator Chambers wishes to request a division of the committee amendments.

SENATOR CLARK: Senator Chambers, how do you want to divide it?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like us to adopt what we have amended thus far of the first part of the committee amendment and then the part that Senator Kremer discussed where we repeal the provision relative to the grace period and that language about the Governor be taken separately.

SENATOR CLARK: That is divisible.

CLERK: Senator, just so I understand, does that mean then the committee amendments one, two and three as you identified before would be considered separately and committee amendment number four would be the second portion of the division?

SENATOR CHAMBERS: Okay, and so that it is clear what I mean by one, two and three, that is the provision related to the amount of the speed limit.

CLERK: Right.

SENATOR CHAMBERS: Then by four I meant all of the rest...

CLERK: Right.

SENATOR CHAMBERS: ...which would be the repeal plus the language about the Governor being able to drop it back.

CLERK: Yes, sir.

SENATOR CHAMBERS: Thank you.

SENATOR CLARK: The issue before the House is amendments one, two and three of the committee amendments. Did everyone understand that? Do you want it read? Yes, please read it, Mr. Clerk.

CLERK: Mr. President, the committee amendments will be found in your bill books. They will also be in the Journal on page 423 and the first question are committee amendments one, two and three which read as follows: On page 2, line 26 strike 65 and insert 60. You have to understand now these have been amended, Senator, and I can't incorporate them in that quickly but the amendments that we have been discussing, Senator Chambers' and Senator Hoagland's pertain to these committee amendments one, two and three. Okay, so we are voting on committee amendments one, two and three that deal with the speed issue question.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. Chairman, a question of the Clerk. Could

we have Senator Chambers explain, since he is very familiar with the provisions and the amendments rather than having to go through them, just exactly what we are adopting if this amendment at this point in time is acceptable?

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Yes, Mr. Chairman, what would be adopted is the provision that was accepted Friday whereby the speed limit would be set as 65 on the interstate with the proviso contained in the Hoagland amendment that within the corporate limits of Omaha the limit will be retained at 55. That is all that the amendment would do. The reason there are three portions, there were three places where the amount of speed was mentioned, but that is all that this part would be concerned with.

SENATOR CLARK: Senator Beutler, do you want to talk on the amendment one, two and three?

SENATOR BEUTLER: Yes, I am a little bit concerned about the division of the question. Perhaps I don't quite understand it entirely but it seems to me that if, Senator Chambers, if the speed limit portion which he is interested in is not adopted then we are faced with three other amendments one of which assumes the adoption of his amendment, that is the provision with relation to the Governor and the Governor's ability to change the speed limit back to 55, assumes the adoption of Senator Chambers' amendment. So I think I would ask for a division of each separate section of the committee amendments.

SENATOR CLARK: Do you agree with the one, two and three as the first division? Senator Beutler, do you agree that one, two and three of the first division?

SENATOR BEUTLER: No, I do not. That is what I am saying. I think if in the event that Senator Chambers' section is not adopted then adopting one, two and three together would not make sense I don't think so, therefore, it seems to me you should have the division of one, two and three also.

SENATOR CLARK: Senator Chambers, do you care to respond?

SENATOR CHAMBERS: Mr. Chairman, let me say again clearly what is being adopted because I don't think I made it clear and Senator Beutler thought I was saying something else. All that is being adopted now is the provision that would keep the speed limit on the interstate at 65 except that in Omaha it would be 55. The reason I put one, two, three as numbers was because there are three different places

where the 60, 65 number is mentioned. So the only thing being dealt with in this amendment is the actual rate of speed that would be allowed on the interstate. What I meant by the fourth part would be that language relative to the Governor's power to roll the limit back to 55 if necessary plus the repeal of the ten mile per hour grace period. So the only thing being adopted by this motion here would relate to going 65. All of the other would come as a separate part of the question.

SENATOR CLARK: The motion before the House is the adoption of the first part or one, two and three of the committee amendments. All those in favor vote aye. All those opposed vote nay. It takes 25 votes.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? You are voting on the first part of the amendment one, two and three. Have you all voted? Record the vote. The Legislature will be at ease for a few minutes while we get these attorneys together. Record the vote. Senator Vickers.

SENATOR VICKERS: I ask for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been asked for. Do I see five hands? I do. The question is, shall the House go under Call. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 11 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All senators will return to their seats. All unauthorized personnel will leave the floor. We will not start the roll call until everyone is in their seat.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: All legislators must be in their seats for the roll call. We can't start the roll call until you get in your seats. Will all legislators please take your seats so that we can proceed to clarify what we are about to vote on. Okay, the Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, when I initially asked that there be a division of the question on Friday it was to make sure that if we didn't get the 65 amended back into the bill then those of us who are in favor of the grace period could keep it, but here is the

situation now. The question did not need to be divided and this is the reason. What we are dealing with is the amended committee amendment that would say that the 65 has been reinstated and Omaha's 55 is included but if the committee amendment as amended is rejected then the bill is back to its original form which means 65 miles per hour throughout the state. So if you reject the committee amendment then the bill says 65 miles per hour. If you accept the amended committee amendment it means it is at 65 except in Omaha. So rejection of this amendment means 65 miles an hour straight through. Acceptance of the amendment as amended means 65 with the exception of Omaha. So if you vote against this amendment you are voting for 65 throughout the state. If you vote for the amended amendment you are voting for 65 with the exception of Omaha. The only way the 65 amount would have been changed at all was by the committee amendment. So that is the way it is and if it is not clear you can ask me because my asking to divide the question initially was made unnecessary once it was amended back to 65 and Omaha added theirs.

SPEAKER MARVEL: The motion before the House is the adoption of committee amendments one, two and three. If you are in favor of the adoption of those amendments you will vote aye. If you are opposed you will vote no. The roll call is requested. The Clerk will call the roll. We are voting on amendments one, two and three.

CLERK: (Read roll call vote as found on pages 473-474 of the Legislative Journal.)

SPEAKER MARVEL: Senator Cope, for what purpose do you arise?

SENATOR COPE: Voting no.

CLERK: Senator Cope voting no. Senator Fitzgerald voting no. 29 ayes, 14 nays, Mr. President, on adoption of amended committee amendments one, two and three.

SPEAKER MARVEL: Motion carried. Okay the first order of business, Senator Kremer, the Chair recognizes you to explain the rest of the committee amendments.

SENATOR KREMER: As I understand it we just now voted to adopt the committee amendments one, two and three that provided 65 or Senator Hoagland amendment plus the eliminating the grace ten mile per hour plus giving the Governor authority to lower the speed limit if there is a danger of losing highway trust funds. That is my understanding. What is left?

CLERK: Senator, what I have left are committee amendment number four which reads: Insert a new section as follows: and number five which talks about renumbering original section three and four. That is what I have left.

SENATOR KREMER: I will back up a notch. That does provide for the elimination of the penalty or deals with the penalties. That section is left. This is true and I move for the adoption. It was my misunderstanding.

SPEAKER MARVEL: Senator Kremer, it is the Chair's understanding that what we are talking about at the moment is the amendment number four as listed on page 424 of the Journal. Senator Kremer, do you wish to speak to that portion of the bill that starts on page 424?

SENATOR KREMER: Mr. Chairman, apparently there is a misunderstanding what each one of us understands to mean by one, two, three. Some of us are talking about one one, two, three and others another one, two, three. Senator Chambers tells me that he has the explanation and I yield to Senator Chambers.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the record I think will be clear in making obvious what it was I had moved for us to adopt and I am going to state it again. When I asked for a division of the question I stated that when I wrote the numbers, one, two, three, I was referring to the three portions of the committee amendment that dealt with them amending it down from 65 to 60. So by me stating that is the amendment that we were dealing with, Senator Hoagland then amended that provision to say that in the Omaha corporate limits the amendment is 55 so before we took the vote, and I think this will be binding on what was done, it was stated very precisely what was being adopted is the provision that returned the limit to 65 except that Omaha is excluded out at 55. Then I stated that the number four in the amendment that I was offering in dividing the question dealt with the language about the Governor being able to roll back the limit to 55 should it be necessary to save federal funds and the repeal of the grace period. That is in the record. So, Senator Kremer, what we adopted was the, see, I numbered my division of the question. What we have adopted is language which leaves the limit at 65 with the exception of Omaha for 55. The number four on my amendment which was to divide the question relates to the language relative to the Governor having the power to roll back the limit to 55 and the repealer of that grace period. So what is being offered for

adoption now is the language relative to the Governor's power to roll back the limit should it be necessary to save federal funds and the repeal of the section of statute that gives a more lenient punishment if you exceed the limit by ten miles per hour or less on the interstate. So if you vote against what Senator Kremer is offering you will be denying the Governor the power to roll the limit back if necessary and you will be keeping the ten mile per hour grace. If you vote for his amendment you are voting to repeal that provision that allows the grace period and you are not giving the Governor the power to roll back. So if you want the bill in this form where the speed limit is 65 except for Omaha but you have also repealed the grace period you've got to adopt the rest of the committee amendment and no matter what else happens it is clear that the bill is where you want it. The only thing remaining of the committee amendment is to repeal the grace period and to give the Governor power to roll back the limit. So if you adopt what is left of the committee amendment that is everything that is left.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would like to ask for a clarification from the Speaker and the Clerk. What I believe to have happened is this. Senator Chambers has clearly stated his intent, however, I believe that the way the amendment reads, the provision with regard to the prerogatives of the Governor were adopted along with the rest of Senator Chambers' amendment. So that the only thing as far as committee amendments are concerned before the Legislature at this point is whether we will repeal the grace period that has been existent in the law for the past few years. I believe that that is the only part of the committee amendments which is now pending.

SPEAKER MARVEL: Would you point out in the Legislative Journals specifically, I am talking about page 424, where this language is spelled out?

SENATOR BEUTLER: Mr. Speaker, I think Senator Chambers agrees with that at this point.

SPEAKER MARVEL: Senator Goll, do you wish to be recognized? Senator Goodrich, do you wish to be recognized?

SENATOR GOODRICH: Well, Mr. President, that all depends on whether they figure out what we have done so far or not. I was going to suggest for example, that whatever it is we could actually wind up sending this bill as it is right now to Emory Burnett's office and let him write it up in the white form like we usually do to read so that we can

actually read what we have in the bill right at this point and then we would take this up at a later day knowing what we have adopted and what we haven't adopted but I am afraid that we would probably have to adopt the committee amendment whatever that was in order for that...because these have all been, as I understand, amendments to the committee amendments. Is that correct and we really haven't adopted anything. All we have done is played with the committee amendments. Is that correct?

SPEAKER MARVEL: We have adopted committee amendments one, two, three.

SENATOR GOODRICH: Yes.

SPEAKER MARVEL: Starting on page 424 of the Journal you have amendment number four. We haven't adopted that yet.

SENATOR GOODRICH: And is that ... would Senator Chambers yield to a question?

SPEAKER MARVEL: Go ahead.

SENATOR GOODRICH: Now, Senator Chambers, since you and Senator Beutler have had an opportunity to discuss the matter, is there any doubt in either one of your minds as to what is left in the committee amendment to be adopted or what we have adopted so far?

SENATOR CHAMBERS: No, it is clear and here is what has been adopted so far. The speed limit will be 65 miles per hour except that in Omaha it is 55. The Governor has the power to roll back the limit to 55 should that be necessary to save federal funds. That is now on the bill. What remains to be adopted...

SENATOR GOODRICH: Wait a minute right at that point, you say it is on the bill, it is on the committee amendment you mean?

SENATOR CHAMBERS: And that amendment was adopted. That portion of the committee amendment has been adopted now. So that is part of the bill.

SENATOR GOODRICH: As part of the amendment? We really haven't applied the whole committee amendment to the bill yet.

SENATOR CHAMBERS: Right because there was a division of the question and the first division was the one I gave you and that was adopted on the last vote. Now what

remains of the committee amendment to be added to the bill is the provision repealing the lenient fine if you go ten miles or less over the limit on the interstate. So if you want to repeal that provision then you vote yes on this that Senator Kremer is offering as the remainder of the committee amendment.

SENATOR GOODRICH: And that is all that we are voting on right now is whether you get the free ten points or not, or the no points on the extra ten miles? Thank you.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Well I hate to admit I am still a little confused. Senator Chambers, may I ask you the question precisely? If we vote yes on this amendment, we vote to not take away any points if you are arrested and convicted of speeding on the interstate of up to ten miles over the speed limit. Is that much correct?

SENATOR CHAMBERS: No, if you vote yes...let me tell you what the provision of the amendment...

SENATOR NICHOL: Please.

SENATOR CHAMBERS: All that is left is the repealer clause. The repealer clause states that the lenient penalty will be repealed so if you vote yes on this repealer you are taking away that leniency.

SENATOR NICHOL: Okay, so to vote yes would mean you would pay the number of points as any place else in the law.

SENATOR CHAMBERS: It would make everything on penalties uniform throughout the state and maybe that is the easiest way to answer.

SENATOR NICHOL: Thank you. I think I understand it now.

SPEAKER MARVEL: Senator Kremer, the Chair recognizes you.

SENATOR KREMER: Mr. Chairman, may I run over this once more? If I am wrong, tell me.

SPEAKER MARVEL: You can run over it twice more if you like.

SENATOR KREMER: If you go 65 you will run over some more.

SPEAKER MARVEL: Yes, sir.

SENATOR KREMER: Right now as the amendments stand, we are back to 65 miles per hour. Number two, the Governor has the

authority to lower the speed limit if highway trust funds are endangered. Number three, in the Omaha metropolitan area the speed limit on the interstate shall be 55. All we have left is to eliminate the provision in the law that states that no more than a ten dollar fine can be assessed if you go between 55 and 65. It eliminates the no court costs and it eliminates that no points can be assessed. That is all we are voting on now. Is that right, Mr. Clerk and Mr. Chairman?

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think we are all clear now on what a yes vote means and I would like to encourage you very strongly to vote yes. I think we have set a bad example to the people in the state by enacting a law in the first place that had no real penalty. That was an act of hypocrisy on our part and I think it behooves us to rid ourselves of that as soon as possible and you can do it by voting yes on the rest of the committee amendments now. A yes vote reinstates the court costs, reinstates the fines applicable to all other, on all other highways, reinstates the loss of points. So I would encourage you very strongly to vote in favor of the remaining part of the committee amendment.

SPEAKER MARVEL: Senator Haberman. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. The motion before the House is, shall debate cease. All those in favor vote aye, opposed no. Okay, record the vote.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to cease debate.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Kremer. Debate has ceased.

SENATOR KREMER: Mr. Chairman, I believe that it is pretty well understood and I repeat, the only thing we are voting on now would be to, dealing with this grace period of ten miles an hour over the 55 mile an hour speed limit. All we are dealing with, we eliminate the no point, we eliminate the minimum of ten dollar fine and the court costs. I move the committee amendment.

SPEAKER MARVEL: The motion before the House is the adoption of amendment number four found on page 424 and amendment

number five at the bottom of page 425. All those in favor of the motion as explained by Senator Kremer vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 31 ayes, 4 nays on adoption of committee amendments four and five, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

CLERK: Mr. President, I now have an amendment offered by Senator Maresh. (Read Maresh amendment as found on page 474 of the Legislative Journal.)

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, presently the Patrol is not allowed to use unmarked cars to monitor speeding vehicles and this would strike that section and allow the Nebraska State Patrol if they wish to use unmarked cars for timing the cars on the interstate or anywhere else. I think if we are going to increase the speed limit to 65 miles an hour we ought to have some way to keep the people from using fuzzbusters and other means to stop the radar from being used and if we had unmarked cars along the interstate I think the people would hesitate to speed. We would actually keep a 65 mile an hour speed limit. So I move that the amendment be adopted.

SPEAKER MARVEL: Senator DeCamp, we are now on the Maresh amendment.

SENATOR DeCAMP: Now wait a minute, Richard. It is tough enough the way it is. I kind of like Bob Clark's idea where you make them have a four foot cherry on top that is constantly going. We want the presence of the police and law enforcement out there to be known to the public. Seeing that police car and knowing they are out there is what controls a lot of speed and with that said, I oppose the amendment.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, like Senator DeCamp, I, too, would oppose the Maresh amendment. When we drive we do drive carefully but we all know that we exceed the speed limit from time to time. It seems to be inevitable regardless of whether the speed limit is 55 miles an hour or 60 miles an hour or 65 miles an hour and it is almost human nature for us to periodically exceed the speed limit but one thing that happens when we allow our

highway patrolmen to enforce the speed limit through unmarked cars is it makes us in a sense, more suspicious, not necessarily more careful, but more suspicious of others on the highway. Are these individuals highway patrolmen or are they not highway patrolmen? Now in a society that periodically contains those that are mentally ill, those that are criminal, those that will do us some harm, each of us has a tendency, I suppose, to become somewhat paranoid, to become somewhat concerned about how we fair in society. It seems to me that we only increase our own paranoia by permitting our highway patrolmen to have unmarked cars to enforce the speed limits. I think simply, we have done enough if we eliminate the cushion which we have done and if in addition we say when highway patrolmen patrol the roads they have to patrol the roads in marked cars. I don't believe we should be increasing in any way the kind of anxieties that all of us have in society and that we can have as we become motorists on the interstate in particular. It is for that reason that I would oppose the amendment.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I support Senator Maresh's amendment. Did you ever stop to think that the people in the room that voted for the 65 miles an hour and I didn't, give the idea that if we raise to 65 everything is going to be good, everybody is going to conform and all that sort of thing? The idea of having patrol cars on the road, certainly it is the tendency to slow the traffic down but there is so few patrol cars. Now look at it this way. If a person that was speeding saw a car parked along the side of the road for instance, they didn't know whether it was a patrol car or... that is one with a flashing light or unmarked, I have a feeling the tendency would be to let up on the gas and if you want to control it, and I'm not sure you do, then I would say it would be a whale of a good way to help out so I support it.

SPEAKER MARVEL: Senator Beutler and then Senator Wagner.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to very strongly support the amendment. Senator Johnson comes up and talks about people who are accidentally going a little over the speed limit and talks about the paranoia that might be encouraged by this type of amendment but why don't we talk about fear and intimidation a little bit too. There are lots of people travelling down the highways who are very frankly intimidated by what the big trucks are doing on the highways today and as they get into smaller and smaller cars they are becoming more intimidated and there

is a fear out there on the highways when people are driving, especially among the older people, so if you are going to talk about paranoia talk about some other problems that are being created by the situation as it exists. I think we've got to get practical about this. It is not the accidental person going over the speed limit that we are trying to get, it is people intentionally using C.B.s and other devices intentionally going way over the speed limit. Technology has caught up with the police and put them at a disadvantageous position. There is no way they can effectively enforce the law now, given the use of C.B.s especially by people who travel the highways as part of their work, truckers. It is like you have tied one hand behind the police and said, okay, go out and do the job. I think in order to give balance to this situation we need an amendment like Senator Maresh's and I hope you will support it. Thank you.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, I guess I differ with Senator Beutler. I guess I put myself in the position of going down the road and some kind of a car pulls up beside me and kind of indicates they want to stop. You may or may not know who these people are and I think I would probably be more inclined not to stop and I think you might also invite other cars to run around like that. They might be some kind of a police officer. I guess when I look at our State Patrol I like to see them in a car that are evident who they are and what they are doing and I think they ought to stay that way and I very much oppose this amendment.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I see something more significant relative to law enforcement in this amendment than merely enforcing speed limits. In Iowa they were allowed for a while to use unmarked cars and pickup trucks but what began to happen is that individuals with designs on women would pull them over and the woman would think it was a cop until pretty soon it happened a few times and the word went out that these were people intending to assault women who were pulling them over. The officer, the person is not dressed distinctively. It could be any old rattletrap on the highway and if you ran you took the chance of running from an officer but you don't know the crooks from the good guys. So there is a difference between having limited undercover operations where the parameters of what they can do are closely constricted and confined and saying, create a situation where any car on the

highway could be that of a law enforcement officer so if anybody stopped you you would have to pull over under pain of perhaps being involved in a high speed chase and should you not pull over and you are pursued, you still don't know if the pursuer is a police officer or a criminal so I think that in a democracy where you have police who are not like the NKVD in Russia or SAVAK under the Shah, but where they have limited powers and constitutional restrictions placed on them, you cannot create a situation where anybody attired any way driving any kind of car can stop anybody on the highway for any purpose whatsoever and that is the import of this amendment. We are dealing with something far more significant than apprehending speeders now and I think it is one of the worst things that can be done, and if you adopt it, I don't carry a gun, but I think everybody ought to go armed on the highway and no woman should go on the highway alone or if she is alone, she should never stop for an unmarked car. I don't care what the circumstances are. If there is a weak person who does not have a gun I think that person should not stop for an unmarked car on the highway for any purpose whatsoever. Remember we are dealing with an interstate system of travel and people from other states are not accustomed to having a car maybe with a muffler falling out or a head light out pulling them over on the highway and saying, get out of your car. I think this is one of the most, well I am on the floor of the Legislature so let me moderate what I am going to say, this is one of the most unreasonable amendments that could be offered at a time like this and I think you ought to see it in its implications other than merely stopping Nebraska's speeders and I am opposed to it.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Well Senator Chambers just made most of the points I was going to make but I want a policeman to be a policeman. I want him to be in a uniform and I want him to be in a marked car and I don't want to be, have any doubt in any woman's mind or any man's mind as far as that goes, of whether he is a policeman or not. As far as being on that highway is concerned I agree with Senator Chambers, if it is a policeman, he ought to be in uniform and he ought to be in a marked car so there is no doubt but what it is a policeman asking you to stop and not some mugger. I just don't want this kind of an amendment that would allow just anybody at the whim to go out and stop a bunch of ladies on the highway for whatever he has in mind, and besides that, how would you prosecute somebody from running from an unmarked car? There is just no way you can convey to him that it is a police officer in that car unless you've got them clearly marked and I don't see any way you can prosecute

a guy for running from a policeman. It would just really complicate the pursuit cases and you know if you have been watching these cases that there is some heavy liability involved in some of these cases and I don't want there to be any doubt about whether it is a policeman or not. I would wholeheartedly oppose this amendment. Thank you.

SENATOR CLARK: There is an amendment on the desk.

CLERK: Mr. President, Senator Maresh moves to amend his own amendment: In life 5 add the following language, "Provided that unmarked cars shall not be used in stopping vehicles."

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. Chairman and members of the Legislature, my intent wasn't to use these cars for pursuing violators. My amendment had to do with monitoring the speed and only for that purpose so I am trying to spell this out in this amendment that they shall be used only for that purpose, not for pursuing cars or any vehicle. Thank you.

SENATOR CLARK: Senator Nichol, do you want to talk on the amendment to the amendment?

SENATOR NICHOL: Yes, Mr. Chairman, I had visited with Senator Maresh about this and I assumed his amendment in the first place said so but with this amendment, this would alleviate your fears about unmarked cars stopping people on the road for the purpose of issuing a speeding ticket. Now with our paranoia, if we have that, and our fears of having criminals attack needlessly because an unmarked car comes up this would allay your fears. So a patrolman could have cars unmarked which are monitoring the metering system to clock you for speeding but they could not use an unmarked car for overtaking you and stopping you. So anytime that you need to stop you would have a marked car with the proper lights on it but they could use these cars for clocking you. Now, let's not be naive. Nearly all of us have C.B.s nowadays and as soon as a marked car shows up on the highway we know within thirty-five miles that there is a marked patrolman there and we slow down. This is just the point. So if you want to not catch anybody let's make it easy and have all marked cars even the cars monitoring. Now maybe we should have these airplanes that are in the sky have those marked with great big markings underneath so that we can tell that is a patrol airplane clocking us so that we can slow down. I support the amendment to the amendment which says that unmarked cars cannot be used for stopping the public speeders.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the more we discuss it the more complicated it becomes. I can agree with Senator Nichol in regard to the aircraft. You know I recall very vividly, guys that used to work for me and I, myself, sometime used to get kind of a kick out of flying down the highway with a helicopter and watching the traffic slow down and being the bad guy, but I still have to oppose Senator Maresh's amendment and I think it is unfortunate because we should not become a nation where we have to fear our government and it is getting to be more and more that situation all the time. I think that, you know, Senator Carpenter one time, Jerry Warner just reminded me of this, had an amendment that every state vehicle ought to have cherries on top of it so that as a deterrent we would think it was a patrolman. You know you can go from one extreme to the other. I think that Senator Goodrich and Senator Chambers made some good points. I think that our Highway Patrol wants to have a good positive image, one which says we are out here to patrol the highway, to protect you, to give you service and to enforce the laws. I do not think they like to think of themselves as being out there for the purpose of entrapment. I think they like to be visible to encourage us to obey the law. The other smacks to me of the other point of view which says well we are going to catch some unwary person at 67 miles an hour and drag him into court. I don't think that is what we should be doing. I think it is wrong. I think more than anything it helps to add to the suspicion of government. I don't think it is good. I think we ought to have a positive image of our law enforcement people rather than a negative one. I think this would contribute substantially to a negative impression of a very fine organization and I would have to, therefore, oppose Senator Maresh's amendment and hope that you would not adopt it.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, very very briefly this time, the State Patrol currently does not have enough people or cruisers to do the job that has been accorded them now. If you are going to take from the existing marked cars, unmark them, then you are further restricting the Patrol. On the other hand, to do something like this and make it effective and I am opposed to it, but just looking at the cost of it you couldn't afford to do it. Right now if a patrolman is in a cruiser, any violation of the law that occurs, he or she can deal with it. You are

placing restrictions on the people in these unmarked cars. They are not full-fledged patrol people anyway so if they are going to be out there they ought to be marked, cloaked with all of the powers of law enforcement, prepared and able to deal with whatever situation comes to their attention. On the other hand, you are making in a sense, Senator Maresh, hostages of any patrol people who are in these unmarked cars because they cannot do anything except sit beside the road and not even serve the deterrent function that has been stated occurs when people see a marked cruiser. So for every reason this amendment ought to be defeated.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: If we just consider this particular thing from a budget point of view, we've got to add at least a dozen state patrol cars and at least twelve to fifteen new state patrolmen in order for the Patrol to even deal with this particular amendment even as it is going to be...is being proposed to be amended. If you are thinking of a cost of this particular thing just add up the cost of about twelve cruiser cars, more additional cruiser cars in other words, and about twelve to fifteen more men and that is what the cost of this particular amendment will be. Thank you.

SPEAKER MARVEL: Senator Barrett.

SENATOR BARRETT: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? The issue before the House, shall debate cease. Record.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay, debate ceases. The Chair recognizes Senator Maresh.

SENATOR MARESH: Mr. Speaker, I will yield part of my time to Senator Hoagland who didn't get to speak on this issue, but I believe Senator Chambers and Goodrich got carried away by saying that this bill will require a number of vehicles to be purchased and more patrol to be hired because that isn't the intent. I think it is just to give them the opportunity if they wish to use it. It doesn't say they shall use these unmarked cars and like somebody said, do we want our airplanes to be marked as well. If we are going to require that all cars be marked, why not require the airplanes that patrol the interstate be marked as well and presently we have plainclothesmen that service

police and I don't think anybody objects to that. Why can't we do the same with trying to slow the speed down on the interstate. I will yield the rest of my time to Senator Hoagland.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Colleagues, thank you, Senator Maresh. I would just like to make a few remarks in favor of this particular amendment. I think it is important to point out what this amendment does not deal with. All this amendment does is give the Safety Patrol discretion to do this if it wants. It doesn't deal with whether or not they wear uniforms inside the cars. State Patrol troopers can still wear their uniforms inside these cars. It doesn't require additional cars. It doesn't prevent them from putting markings on to such extent as they want. This is simply discretionary. It simply says that they don't have to have identification on the vehicle, period. It goes no further than that at all and I think that Senator Maresh and Senator Beutler were right. You know, we need to address the real intimidators on our highways, not the State Patrol. The real intimidators are the trucks that come bearing down on people at 60 or 65 miles an hour when they know through their private C.B. radios that there are no State Patrol's, no marked cars, that are around and the other real intimidators are the speeders or other real intimidators are hazardous road conditions and I think a measure like this is going to help law enforcement and if it helps law enforcement it is going to protect the law abiding citizen in the state that wants to be protected when he drives along at 55 miles an hour. I think it is a good idea. It doesn't preclude things like putting cherries on the dash board like a lot of other jurisdictions do instead of having it on the top of the car. The State Patrol can always have a cherry, just have it inside the car so it is not so apparent to people from the distance. I think it makes a lot of sense and that we ought to adopt the amendment.

SPEAKER MARVEL: The motion before the House is the adoption of the Maresh amendment to the Maresh amendment. What is your point?

SENATOR BEUTLER: This is the amendment to the amendment, is that correct?

SPEAKER MARVEL: Yes, sir. All those in favor of the Maresh amendment to the amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Maresh. Record the vote.

CLERK: 16 ayes, 21 nays on adoption of the amendment to the amendment, Mr. President.

SPEAKER MARVEL: Okay, we are now on the Maresh amendment.

SENATOR MARESH: Mr. Speaker, I withdraw the amendment. If that amendment did not carry to the amendment I don't think the amendment will carry so I don't think we need to spend any more time on this.

SPEAKER MARVEL: Is there any objection? Okay, the amendment is withdrawn.

CLERK: Mr. President, Senator DeCamp moves to indefinitely postpone LB 143.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I shall not take but about two minutes. When you put the Omaha amendment on I began to lose faith in the bill because you created a completely different system there. I wonder how many more different systems. As I understand it now, with the bill, we have got the following system. Outstate we have got a set of laws on speed limits, Omaha we have got another set of laws on speed limits on the interstate, the interstate itself outside of Omaha we have got another set of speed limits and we have completely changed the system that everybody is accustomed to on the ten mile matter. Now they can say that that is right or wrong, good or bad, or whatever, everybody knows what the rules are and everybody knows how it works. This completely eliminates that. I had originally supported the concept of going to 65 miles an hour on the interstate, a relatively simple concept. It has become pretty complicated now. I want to alert you to one thing and I could care less how you vote on this but I thought I ought to raise a question so nobody says I tricked them. This morning I had a meeting with Paul Douglas. He asked me whether the portion I had put on the bill, remember, that is in there that is part of the committee amendments, having to do with the Governor having the authority to lower it back down after a public hearing if he determines that is a risk to the funds. He said, do you feel that is Constitutional? I said, I don't know. I realize it might have some problems. I haven't asked for an opinion. I don't know whether anybody else has but in case it is I am alerting you now so nobody says I tricked them. I don't know. At the time I proposed the idea I felt that you could draft such a thing so that you would eliminate the federal funds question but I am not going to kid you. I don't know whether it can be or can't be. It is on the bill

and I think it is necessary to have on the bill as a safety valve but it does have that inherent risk. There is one new problem or two new problems that I learned about over the weekend that have made me seriously question supporting the bill on. As it is now, trucks come in and if they go between 55 and 65, in essence, right or wrong, as I say, they know they are paying for doing it. They have to pay ten dollars or whatever but they know that and it has a deterrent effect. Now if we do go to 65, across the board, we are saying to the trucks, it is an open invitation to come and go the additional amounts without any payment or anything and from the information I get the trucks can tear hell out of the roads the way they are going now, particularly with some of the heavier loads we have allowed, and we aren't going to get anything in return for it and we are going to be inviting them to use this as the corridor to go through. So as I say, I am putting the motion up. You've got the Omaha factor in there, one of the reasons I've got doubts about it. You have got the constitutional question and I just raised it. I don't know whether it is right or wrong. Paul Douglas raised it to me and I am throwing it out here. You've got the additional factor, as I said, I got several calls this weekend from some in my area that said, hey, look, you know we were some of those that opposed the 55 but now we are living with it and we would just as soon keep the same. I don't know what is right or wrong but it is up there for whatever you want to do.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if you vote to indefinitely postpone the bill then you haven't put in place a 55 mile per hour speed limit. I am probably the frankest, most consistent person on this thing since it was first imposed. Senator DeCamp originally when it was imposed had the position that I occupied but some changes have occurred with him over the weekend. Now when I was talking to the committee I told them that it would be an unconstitutional delegation of legislative authority to have an action of the Legislature dependent on what the federal government or any other legislative body would do. The way that amendment was drafted it would not say that the Governor must do anything. It would not say that when the federal government takes an action that an automatic event occurs in Nebraska and the Legislature has not delegated to the federal government any of its lawmaking power. That amendment does not say, as soon as the federal government takes an act, the Governor of this state must do anything. It says that, should the Governor determine that it is necessary to roll back the speed limit and then it sets guidelines

before he can even make that determination, there must be a public hearing and what it really does is allows to the Governor what has already been allowed to State Department of Roads, that under certain sets of circumstances outlined by the Legislature speed limits can be changed based on the authority granted by the Legislature to a state entity with appropriate guidelines. So if the Attorney General has some problems and he wants to inject himself into the legislative process, let him not do it through Senator DeCamp as a message bearer but let the Attorney General do it himself. Now if you vote to kill the bill you will simply leave in place the only provision that anybody is concerned about other than raising it to 65 and that is to have the ten mile per hour grace period. If the truckers come through here and pretend that they don't know that does not exist anymore and that the speed limit is 65, Senator DeCamp is saying that truckers are less aware of speed limits than we know them to be. How did they become aware of the ten mile per hour grace period? It was publicized and they told each other. The newspapers will give accounts periodically of which states have these provisions. So if Nebraska enacts a 65 miles per hour speed limit one of the things that would be emphasized in any story is that no longer does the grace ten miles per hour exist. So you can kill the bill if you want to and you haven't put in place the 55 mile per hour speed limit. On the other hand if you pass the bill you will frankly be incorporating into the law what occurs now and you will be making uniform the penalties throughout the state. When I got that provision adopted for the leniency I made it clear then as I do now that anything I could do to make inroad on the 55 mile per hour limit I will do it, and regardless of what you do today, I still stand by that so I am opposed to the kill motion. We ought to keep the bill where it is in the form that it is. We ought to advance it to Select File and then I will talk to the Attorney General and we can always add the severability clause, but remember this, there are other states that are going to enact these bills. There is action at the federal level right now to repeal the requirement of a 55 mile per hour limit in order to keep your funds. The Secretary of Transportation has already said he wants states to set their own speed limits and it would be up to him to initiate action to cut off any funds which he is not going to do. So I think the bill ought to go on and be advanced to Select File and at that time all these other things that are being thrown up as roadblocks can be systematically removed one by one and I will assume the responsibility for doing it. I am opposed to the kill motion.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I am going to vote against the kill motion but I am voting against it only because I want to salvage out of this bill the provision that ends the hypocrisy that I talked about earlier. I want to salvage out of it the repeal of the grace period which is now in the law. So just to make you aware that you have an alternative I wanted to tell you that after this kill motion I have a motion on the floor that would reduce the speed limit to 55 everywhere in the state on the interstate, it would eliminate the provision with regard to the Governor's discretion to lower the speed limit and would retain the provision to do away with the grace period. So I tell you that just so that you know that if you vote against the kill motion there is another alternative before you. Thank you.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I was going to speak to the same point that Senator Beutler just spoke to and I think if we really want to be fair, we passed a law three or four years ago, whenever it was, that was unfair. We treated people speeding in one area differently than we treated people speeding in other areas. I thought the bill was unfair and, frankly, I don't even remember how I voted for it because it affected me personally and I had more speeding tickets than probably anybody else at that time, I don't know, maybe Senator Chambers was outdoing me a little even then but nevertheless that was an unfair portion. I really would like to salvage that portion also, Senator Beutler, but I would hope that we do not kill the bill at this time.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, members of the Legislature, I call for the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? The issue before the House is, shall debate cease. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried. Debate is ceased. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I will try to be brief so you can get out of here before

noon. If anybody believes that 65 miles an hour is going to pass, I think you are whistling in the wind. I think what you are going to see is exactly what Senator Nichol and Senator Beutler are talking about and they are as sincere in this as anything and they may be right, I don't know. I do know that the system that is in place now we know is constitutional. It has been tested. I do know from the evidence that you have all sat and listened to Friday and today that most of the votes to keep this bill alive in the various forms are coming from the people who want to kill it and use it for other purposes. I am simply trying to be flat honest with you to keep those things from happening, to keep anything from happening on it, keep the system in place. I got as I said, did some checking over the weekend in my district. Most of them would just as soon not have it tampered with at all. Bernice just told me she had a poll, she has a busload of thirty people down here on one of the abortion bills, surprised it isn't three thousand but it is thirty this time, she polled everyone of them, all thirty of them. Twenty-nine of them said keep it the way it is, 55. One of them said 65. Now you don't have to be too bright to see how moods develop, editorials develop, things develop and you people that think you are going to get 65 out of this I think are going to get snookered and it has taken a lot of time and I think that is where you are going to end up. So I am not kidding you. I think if you kill the bill now, and I would rather have 65. I don't kid anybody a bit on it. I would rather have 65 without all the entanglements of Omaha and everything else but as the system functions now, remember this one little thing, all you that criticized that hypocrisy, Chrissie. The 55 was put into place as an energy saving device, not a safety device. That it has had safety effects is a separate question but in view of the fact that it was put into place as an energy savings device, then that speed between 55 and 65 is being treated as energy rather than safety by making you pay a penalty rather than taking points which is a safety element. So that system isn't just as terrible as my good friend, Chris and my good friend, Bill Nichol, would say. So I am voting to kill the bill because I think it is going to go the opposite way of what you all think and it has already taken shape that way.

SPEAKER MARVEL: The motion is the indefinite postponement of 143. All those in...it takes a simple majority of those voting. All in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 18 ayes, 24 nays on the motion to indefinitely postpone, Mr. President.

SPEAKER MARVEL: Motion lost. Do you have another amendment?

CLERK: Yes, sir. Mr. President, Senator Beutler moves to amend: "To strike 65 or 60 wherever used in the bill and insert a 55 mile per hour speed limit and to reject all provisions giving the Governor discretion to set the speed limit."

SENATOR BEUTLER: Mr. President and members of the Legislature, I'm not going to take a lot of time going back over the safety and the energy saving arguments and all of the arguments relating to this issue. Mr. Speaker, I'm not going to take time again to go over all the arguments. I want to simply tell you what alternative I am giving you and it is an alternative that you have not had before you today. With the amendment that I am proposing the law would be like this: flat out 55 mile per hour speed limit everywhere on the interstate. The point system would be reinstated along with the court costs and the fine. The provision relating to the Governor's prerogatives of course would be dropped since it would be no longer relevant with the 55 mile an hour speed limit. So I am saying, let's have an honest law and let's make it 55 miles per hour on the interstate. It is as simple as that. Thank you.

SPEAKER MARVEL: Senator Goodrich, what is your pleasure in regard to dividing the question?

SENATOR GOODRICH: Mr. President, members of the Legislature, I just want to divide the question in this case. I have read the amendment up there. The way the motion is written to go back to 55 as one part of the motion and then the second part of the motion is to eliminate the Governor's discretion of sending it back himself and I want to divide those two points so we vote on them separately.

SPEAKER MARVEL: Okay, Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would encourage you not to allow the division of the question because I don't see the point to the division. If the...

SENATOR GOODRICH: I can explain it to you.

SPEAKER MARVEL: Senator Beutler and then we will go to Senator Goodrich. Go ahead.

SENATOR BEUTLER: If the motion is successful then obviously the provision with regard to the Governor's prerogative has to go, otherwise it makes no sense. The law would make no sense. So they are indivisible by their nature and I would discourage the division of the question.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: I would challenge Senator Beutler on that and I submit that Senator Beutler has tied the two questions together because he recognizes for example, that the Governor's discretion is the very point that raises the constitutional question and it is the only point in the whole thing that raises the constitutional question. So he figures that if he can tie the forcing the speed limit back to 55 to that, that we have a large amount of sympathy for eliminating constitutional question so just tie your 55 mile an hour back to that question and then you've got more strength for running it back to 55. Well I submit that I would vote no on the first part of this question. That would leave it at 65 and I would vote yes on the second part of the motion which would take away the Governor's discretion and also take away the constitutional question about the whole bill so I would suggest that we do divide the question and that we vote no on the first half and yes on the second half. Thank you.

SPEAKER MARVEL: Senator Beutler, do you want to pose your argument to Senator Goodrich?

SENATOR BEUTLER: As I understand it, I hope I'm not confused, as I understand it now, the Governor's discretion is in the law. Is that correct, Pat, as it stands right now? It is in the bill, all right. If you accept my amendment which would reinstate the 55 mile an hour speed limit, then obviously you have to take away the Governor's discretion because the Governor doesn't need a discretion any more. If you reject my amendment you are rejecting the 55 mile an hour speed limit and you are rejecting the deletion of the Governor provision. So the provision with regard to the Governor's discretion will still be in the bill as I understand it and Senator Goodrich will have what he wants. So, therefore, I see absolutely no reason to divide the question, if I understand it correctly.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: As I understand what Senator Goodrich wants he wants eventually to get rid of the provision with regard to the Governor's discretion because he fears its constitutionality. If he wants to do that, fine. Let him put a motion up after this motion to do that and that would handle that quite adequately. By dividing the question you only further confuse things and possibly end up with a situation where you have a provision in the law that makes no sense. You could conceivably end up with the Governor's discretion provision in the law that has a 55 mile an hour speed limit.

So Senator Goodrich can well do with the procedures that we have exactly what he would like to do by putting an amendment forward following this amendment should this amendment not be successful deleting the Governor's discretion provision.

SPEAKER MARVEL: Go ahead, Senator Goodrich.

SENATOR GOODRICH: The only trouble is it ain't so. The problem is that this motion...it will be taking out the Governor's discretion already. Why would I put another motion up behind this to do something that you have just done? You have done nothing but tie the elimination of the Governor's discretion to add strength to your pulling the 55 mile an hour speed limit back in. That is all you are doing and it is for that reason that we have got to divide the question in order to separate the two so that we can make a decision separately on the two points. If you want to bring the speed limit from 65 back to 55 and eliminate the Governor's discretion then you vote yes on the Beutler motion because that is exactly what it says but if you want to separate the issue, you want to decide the 65 mile an hour versus 55 mile an hour separate and frankly I would say vote no on that, if we divide the question we can divide it and make the decision separately and then vote no on the first half of it, vote yes on the elimination of the second half and you've got the thing whipped.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, may I humbly offer a suggestion to both Glen and Chris. I think the wording that Chris wants has to maybe be redone a little. What he intends to do and, you correct me if I am wrong, is exactly what I said he was going to do which is gut the bill and leave one part which is repealing this special 55 to 65 license fee. Otherwise he wants to eliminate everything else, eliminate speed limit 65, eliminate Omaha, he is gutting the bill. That is right, he is gutting the bill and he doesn't like people to gut bills but anyway, and that is all he is doing and you are thinking he is dealing with a limited aspect but he is wiping out the whole bill is what he intends to do and just use it for the purpose of eliminating that 55 to 65 thing, which is what I feared.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Maybe I could clarify by simply asking Senator Goodrich one question. If we divide the question,

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Senator Goodrich, and the body adopts the 55 mile an hour speed limit, then how does it have to vote on the second question to be consistent?

SENATOR GOODRICH: Excuse me, John was talking for a second there. I didn't get the first part of your question? Will you restate the question then?

SENATOR BEUTLER: The question is this. If we divide the question as you are suggesting, and the body adopts the 55 mile an hour speed limit, then on the second question with regard to the Governor's discretion, how must the body vote in order to be consistent to have an equal law?

SENATOR GOODRICH: If you win on the first half the whole bill is just destroyed anyhow so why even have the darn thing? Just kill the darn bill.

SENATOR BEUTLER: It doesn't kill the bill. It makes it 55 miles an hour

SENATOR GOODRICH: You just as well kill it. You've gutted it like John says.

SENATOR BEUTLER: Well it depends on your point of view of course. You are stating a point of view now. All I am talking about is the division of the question. If you adopt the 55 mile an hour speed limit then of necessity, to make sense, to have a consistent coherent law you must delete the Governor's discretion to lower the speed limit.

SPEAKER MARVEL: Okay, I think we've gone far enough on the debate that the Chair is going to rule that the issue is divisible which means that we vote on the 55 mile an hour issue first and then the Governor's discretion secondly. Okay, the first order of business is the 55 mile an hour issue. Okay, Senator Beutler, do you wish to speak on the first part of this?

SENATOR BEUTLER: I will only make one brief comment. Again, we have all heard the arguments. All we are voting on now is this. As things exist right now you have a 65 mile an hour speed limit every place except near Omaha where it is 55. Correct, Pat? On the interstate, right.

CLERK: I think so, Senator.

SENATOR BEUTLER: If you vote in favor of this amendment you are voting for an across the board 55 mile an hour speed limit on the interstate. Thank you.

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LB 21, 67, 77, 80,
LB 104, 124, 143, 167, 234A,
LB 186, 188A, 206, 221, 236

SPEAKER MARVEL: The Chair is going to make a suggestion. We are going to be facing this kind of procedure from now on and the Chair would like to meet with Senator Chambers. The Chair would like to meet in the Speaker's office with Senator Chambers, Senator Beutler, Senator Kremer and Senator Goodrich immediately upon adjournment and see if we can settle this without taking all this extra time. Now what is before the House? Okay, the Clerk has some items to read in. I would like to meet with Senator Chambers, Beutler, Kremer and Goodrich as soon as we adjourn.

CLERK: Mr. President, your committee on Public Works gives notice of hearing in Room 1517. Your Committee on Education gives notice of public hearing in Room 1517.

Mr. President, a second notice from the committee on Education regarding scheduling of public hearings.

Mr. President, new bills. (Read LB 188A; LB 234 A. See page 478 of the Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Maresh regarding LB 518 from the 1977 legislative session.

Senator Burrows would like to have amendments printed in the Legislative Journal. (See page 479 regarding amendments to LB 167.)

I have notice of hearing from the Public Works Committee.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit to whom is referred LB 80 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 104 General File with amendments; 236 General File with amendments, (Signed) Senator Schmit. (See page 480 of the Journal.)

Your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle to whom is referred LB 221 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 21 General File with amendments; 186 General File with amendments, (Signed) Senator Kahle. (See page 481 of the Journal.)

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner to whom is referred LB 124 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 206 General File; 67 General File with amendments; 77 General File with amendments.

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meet with old and new friends and to have an opportunity to see the legislative process grinding slowly but working the will of the people of this state and hopefully, having an impact on the people of this nation. Now fortunately I think I am very much in sympathy with some of the things you are presently discussing but I had better mind my own business and go on about my work. I have enjoyed meeting with students at the University of Nebraska and am on my way over to Creighton and it is good to have such a warm welcome because down where I come from, this is pretty cold. Only I called home to find out that it is seventeen degrees in Georgia too, so I just as well be here enjoying my time with you. Thank you very much and keep on keeping on.

SPEAKER MARVEL: Thank you, sir. Will the committee please escort the Ambassador from the Chamber. (gavel.) The motion before the House is the adoption of the Schmit resolution. All those in favor of the adoption of the resolution vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 33 ayes, 4 nays, Mr. President.

SPEAKER MARVEL: The motion is carried and the resolution is adopted. We now revert to General File, item #6. The first order of business is LR (sic) 143.

CLERK: Mr. President, LB 143 was offered by Senator Chambers. (Read title.) The bill was read on January 14 of this year. The bill was referred to the Public Works Committee for a hearing. It was advanced to General File with committee amendments pending. The bill was considered by the body on February 6 of this year. At that time Senator Chambers offered an amendment to the committee amendments which was adopted. Senator Hoagland, Koch and Labedz had amendments that were adopted to the committee amendments. Subsequent to that action the committee amendments were adopted by the body. I now have a series of amendments pending, Mr. President. The first is by Senator Beutler. The amendment is offered by Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, you may recall that when we ended this debate last time around we had an amendment which was in two parts and we had extended discussion on the division of the question. That amendment was subsequently withdrawn but now you will have presented to you, two separate amendments. This is the first of the two. The second will be offered by Senator Goodrich. My amendment does simply ask you to do simply one thing and that is reduce the speed limit

from 65 to 55 miles per hour. It does not deal with the question of the Governor's discretion. That question will be dealt with on the second amendment when Senator Goodrich presents his proposal so the amendment before you right now simply does one thing and that is reduce the speed limit from 65 to 55. I would remind you that in the bill in its present form we have reinstated the old penalties so the lenient penalties which created what we termed the grace period or a grace ten mile an hour zone which was essentially no penalty, that is gone now. The stricter penalties are in the bill. So if you vote in favor of this amendment you are voting for a 55 mile an hour speed limit with the strict penalties. If you do not vote for the amendment then it will be 65 miles an hour with the strict penalties. I don't want to take a lot of the Legislature's time again rehashing all of the arguments that we discussed last week with regard to the pros and cons of 55 versus 65. I would simply say for myself that it is not going to disturb me whichever way we go on this question, greatly. I think the arguments on balance are fairly close at this time but I would simply remind you of the point I made last time which I think is true, that the arguments on balance over the next ten to fifteen years are going to become stronger and stronger in favor of the 55 mile an hour speed limit. I think that is going to happen because there is already considerable energy savings because of the speed limit. As we change over to smaller cars the smaller cars will affect greater energy savings at a 55 mile an hour speed limit so you can expect those energy savings to increase significantly. Secondly, as the cars get smaller I think the safety problem is exacerbated as the trucks stay the same size or become larger. So both, in terms of energy savings and in terms of safety, I really believe in the upcoming years that the arguments in favor of the 55 mile an hour speed limit will become stronger and that we might as well go ahead at this point and anticipate the future and adopt the 55 mile an hour speed limit right now. So I would ask you to vote in favor of the amendment.

SPEAKER MARVEL: Senator Newell, we are speaking to the Beutler amendment.

SENATOR NEWELL: Mr. President, I must rise to oppose the Beutler amendment. Senator Beutler's desire for I guess, not only uniformity but strict enforcement is a very laudable goal and I just want to say that frankly that we do have enforcement at 55. There is a ten dollar fine. We do not lose points. The whole question of points is one

that probably ought to be debated here more than it is but for a lot of reasons it is not and won't be by me but I want to say that I disagree strongly with this sort of proposal and I think Senator Beutler is working against his own desires in this regard. If this amendment is carried it, in fact, makes the 65 mile an hour speed limit much more attractive for a whole lot of legislators, myself included. Thank you.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I support the Beutler amendment. I know we have heard all the arguments and don't seem to be able to agree on them but I think there is one point that has not been stressed very much and that is the fact that we don't seem to be able to repair our highways or the interstate as fast as it is being broken up. I think the high speed trucks, the heavyweights are tearing up our highways as fast as we can build them and the engineers may have designed the highways for high speed and for heavyweights but evidently we are not able to construct them so they stand up under that kind of abuse. I think that we should vote for Senator Beutler's amendment and then also to determine that the law would be enforced. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it has been stated repeatedly about the difficulty of enforcing a 55 mile per hour speed limit, not only in Nebraska but in all parts of the country. It is a joke. It is a mockery. Senator Beutler, it is a sham. Even in this state it will be admitted by Colonel Kohmetscher if someone would phrase the question properly that they simply do not have the manpower and womanpower to enforce strictly a 55 mile per hour speed limit so you are creating a situation where you are flying in the face of how the society is moving. You could station troopers at various points along the interstate so that they would be visible or so that they could try to apprehend everybody going faster than 55 miles per hour but with the current number of troopers you would not have enough to cover the system from one end of the state to the other. Furthermore, you would have cars lined up as far as the eye could see because every car on the interstate practically would have to be stopped. So, I am saying that Senator Beutler's amendment will offer again an underlining of the sham that exists. I handed out various articles from all over the country where the heads of

State Patrols and State Police as they are called in some jurisdictions have said they simply cannot enforce a 55 mile an hour limit and because they cannot, they automatically build in a certain rate of speed over the limit that they allow the person driving. So what I am saying is that since people have settled in at a certain relative speed on the interstate in total disregard of what the sign says the limit is, LB 143 with the 65 mile per hour limit will cover the speed that most people are driving right now. Then, I don't believe it would be possible to strictly enforce even a 65 mile per hour limit but the problem of enforcement is reduced because the number of people exceeding the speed limit will be reduced a pace also. I think Senator Beutler's amendment ought to be defeated and in order that it is clear what his amendment does, it would take away the ten mile per hour grace amount that exists currently and leaves the speed limit at 55. If you defeat his amendment there will be a 65 mile per hour speed limit on the interstate plus the stricter fine that is found on every other highway and I think I should tell this to some of you so that after we defeat this amendment, I have an amendment on the desk also because the way the bill is drafted it places a 65 mile per hour limit on any freeway. Although we have discussed this bill in terms of interstate, although the committee report puts in parenthesis, interstate, the bill itself does not specifically refer to the national system of defense highways and interstate. So the amendment that I have up there will incorporate into the body of the bill, the language "interstate or national defense system, national system of defense highways" so that it is clear. The bill deals only with the interstate and raises that limit from 55 to 65 only on the interstate. So I am asking that you defeat Senator Beutler's motion which would reduce the limit from 65 to 55. Then adopt the amendment that I am offering to ensure that the 65 will be only on the interstate with the exception of the area of Omaha as has already been adopted by prior amendment.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, members of the Legislature, I rise in support of Senator Beutler's amendment and I think if we look at this rationally, what he is suggesting and recommending should be interesting for a number of people for a number of reasons. I think we have some economic and monetary considerations here. Senator Koch addressed that earlier when he talked about the property damage that is caused with higher speed rates. Additionally the probable loss of \$70,000,000 in federal highway funds for maintenance and road construction and if we have to rely more heavily on the gasoline tax that we

have here in the State of Nebraska which is already the highest in the nation, it means an additional burden to the citizens here in the State of Nebraska. For those that are interested in energy conservation we know that driving at a lesser rate of speed conserves on this precious fuel and those that are interested in the safety factor, we know from reports that this also is beneficial. Now I circulated earlier and think that it should be a matter of record, some information that deals with this particular issue and I would like to take about thirty seconds to read it into the record. This information came from the Department of Transportation and it reads as follows: Since the establishment of the 55 mile per hour speed limit in January of 1974 the Department of Transportation has been compiling facts and figures to show the effects of the law. Those figures show Americans not only are saving fuel, they are saving lives by driving 55. Americans conserve an estimated 9,000,000 gallons of motor fuel a day by observing a lower speed limit. This is according to Department of Transportation estimates. In a year, ladies and gentlemen, that savings can be 3.4 billion gallons and that would be enough to keep all cars, trucks and buses in our country running for two weeks and if compliance with the law reached 85%, Americans could increase fuel savings to 4.9 billion gallons per year. Now again the Department studies shows that cars get 17% to 40% better gas mileage at 55 than they do at 70 miles per hour. Generally the smaller and more fuel-efficient the car, the greater the fuel savings at 55 and it has already been mentioned that the manufacturers here in the United States, and we know formerly the foreign manufacturers are building and constructing smaller cars for the public's use. Since driving for fuel economy requires close attention to the business of driving, fuel-efficient drivers are also safe drivers. The Department again estimates a minimum of forty-five hundred lives are saved each year because of the 55 mile per hour speed limit. First, when overall speed is reduced, drivers have more reaction time to avoid an accident and the force of the impact is greatly reduced. Second, the limit imposes a more uniform rate of traffic flow and it reduces potential conflicts and the likelihood of a crash and for those that are interested in safety and injury, in an address to the American Medical Association, Dr. Simon Horenstein of St. Louis School of Medicine said that spinal cord injuries have been reduced 60% to 70% as a result of the 55 mile per hour speed limit. The American Epilepsy Foundation reports the limit is the single, most effective preventive for new cases of epilepsy because it has reduced by ninety thousand each year, the number of head trauma injuries

resulting from automobile accidents. Ladies and gentlemen, I think that these reasons as stated, economic, monetary, fuel conservation, injuries, death, are sufficient to have us be supportive of Senator Beutler's amendment. Just in closing I would add that I saw a bumper sticker which I am sure you have all seen and I think we should reflect on that a bit. It merely states, "55 miles an hour, a law we can live with." I think we should think about it, ladies and gentlemen, and support Senator Beutler in his attempt to add this amendment. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, just a couple of very brief comments relative to Senator Stoney's statistics. He said that in the paper that he handed out these statistics came from the Department of Transportation but I think the letter or whatever it was, a memo, was signed by somebody else but let's take the statistics as being from the Department of Transportation. How do they calculate how many miles are travelled on the interstate or anywhere else? They probably try to calculate how much total gasoline is sold, how many total cars are owned and then try to do some kind of complicated calculating to determine how many cars going at certain rates of speed, getting certain number of miles per gallon, travelling on the highway as opposed to the city streets and all around and around and around and if you would ask anybody on this floor to come up with the formula by which they determine how many vehicle miles are travelled per accident or per fatal injury, nobody on this floor could tell you and if you looked at the formula that the Department of Transportation uses it wouldn't make sense. It wouldn't have validity. So, their interest during the prior administration was to keep alive the Federal Highway Traffic Administration and it's only reason for existing was to show that it could maintain safety. The only way it could do that was to indicate that the 55 mile per hour was doing all of these things that Senator Stoney mentioned except I don't know that they have said it reduces the number of epilepsy cases as mentioned in the report that he read. But look at this, he also mentioned 75 miles per hour as opposed to 55. That is a 20 mile an hour difference. This bill says 65 miles per hour so that right there would indicate his statistics are incorrect and do not deal with the situation that we are confronting. But what I am really trying to get across to you, in trying to determine how many miles are travelled, how can you do that if you don't know the condition of the automobile. You don't know the weather conditions. You

don't know whether the car is on the highway where there is not a lot of stopping or starting as occurs within the city limits. None of these things are stated when they offer these statistics, nor do they point out that the vast majority of fatalities occur on roads where the speed limit has nothing to do with 55 because it is much lower than that. They occur on city streets, on primary and secondary state highways and county roads. They never mention that they lump all of these things together and give it to you as a package and say, if you take a 55 mile an hour speed limit you can cure all of this. Never on any issue do you find people making such broad, generalized claims for a product other than if somebody is selling snake oil. It would cure whatever has the reporter scratching the back of his neck. It cures bunions, fallen arches and depending on whether you rub it on your head or swallow it, it can cure pneumonia or gout. With gout you have to rub it on. If you swallow it, it cures pneumonia. That is the kind of line that you are being fed by the people who say they favor 55. What they simply ought to say is this: "When I drive the road," this is one of them talking, "I like everybody to be going slowly around me. I like to drive slowly except when it is inconvenient for me, then I will go faster than 55." That is what they ought to say because that is all that is involved. Everybody on this floor has driven faster than 55 miles an hour, everybody, and some people maybe in school zones but the point of fact is this. The public is driving around 63 to 66 miles an hour now. If you talk to people who survey the highways, that is what they will tell you. So, you are not going to change that by simply putting in this bill, 55 miles per hour, because that is what is on the highway signs now. I say do away with the hypocrisy, view this in the same way that people finally had to realistically view prohibition. You can say that drinking is a sin and a shame but there was no way the federal, state and local governments could keep people from pouring the alcohol down their throats. Senator Schmit pointed out that despite grain embargoes, the flow of grain into the Soviet Union will continue to occur and some of it from America by devious means. So if you cannot stop the flow of alcohol, if you cannot stop the flow of grain to the Soviet Union even by an embargo, you cannot stop the flow of traffic which already occurs on the interstate. So, I am saying, put law enforcement in a better position to enforce the law by putting a reasonable speed limit, one that will encompass most of the people who travel the interstate, then the number of violaters is automatically reduced. And remember this last point. Colonel Kohmetscher has already stated and it is in the articles that were handed out by Senator Hoagland and his colleagues, that

the interstate is the safest system of highway travel and he knows that people are driving faster than 55 because he has also acknowledged that there is no way they can keep everybody driving 55. So, it has been shown that this is the safest means of travel in the state and I am saying this bill with the 65 mile an hour speed limit takes away the hypocrisy and creates a greater possibility of enforcement of the law as it exists on the books. I am opposed to Senator Beutler's amendment.

SPEAKER MARVEL: Before we recognize Senator DeCamp, in the North balcony as a guest of Senator Shirley Marsh, on Lincoln's birthday, is Mr. Abraham Lincoln who, in effect, is Mr. Tom Kennedy from the College of St. Francis in Joliet, Illinois. Welcome to the Unicameral, sir. Senator DeCamp. The question has been called for. Do I see five hands? Shall debate cease? All those in favor vote aye, opposed no. Have you all voted? Record.

CLERK: 29 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Beutler to close on his amendment to LB 143.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the debate has been long and informative and perhaps now, a little bit tedious. I would just make one last remark and that is I guess to say that I find it ironic that Senator Chambers' main point seems to be to have to do with the enforceability of the law. I would remind you that this law if passed now will be more enforceable because we have reinstated the stricter penalties but the reason I find it ironic is because Senator Maresh, a few short days ago offered us a proposition that would have, in fact, made the law considerably more enforceable, and yet that was rejected by Senator Chambers for one. I suggest to you that the law will be enforceable if the Governor and the State Patrol choose to enforce the law and I think that they will. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to LB 143. All those in favor vote aye, opposed vote no. We are voting on the Beutler amendment to 143. Have you all voted? Have you all voted? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I guess I would ask for a Call of the House and a roll call vote but if you would take call-in votes perhaps that would save us some time.

SPEAKER MARVEL: The Clerk is authorized to... The first motion is, shall the House go under Call? All those in

favor vote aye, opposed vote no. Okay, record.

CLERK: 25 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators be in your seats and record your presence. Senator Maresh, will you record your presence please. Senator Hefner, will you record your presence. Senator Vard Johnson, Senator Howard Peterson, Senator Labedz, Senator Higgins. Okay, all legislators are to be in their seats and unauthorized personnel are to leave the floor. We cannot proceed until then. All legislators must be in their seats before we can proceed. We have already used up an hour of today's time on this particular issue. All legislators must be in their seats. Okay, call the roll.

CLERK: (Read roll call vote as found on page 518 of the Legislative Journal.) 25 ayes, 17 nays, Mr. President.

SPEAKER MARVEL: Okay, let's proceed with other amendments to LB 143.

CLERK: Mr. President, the next amendment is by Senator Goodrich. Senator Goodrich wishes to withdraw. Mr. President, Senator Chambers now moves to amend. No longer wishes. Mr. President, Senator DeCamp now moves to amend, or excuse me, moves to return LB 143 to the Public Works Committee.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, back on the other day I kind of told you this might could happen, you know, and I would rather have it back in committee than have what is going to happen if it keeps going that way. So, I move that it return to committee and we will look it over again.

SPEAKER MARVEL: What does the motion read?

CLERK: Mr. President, Senator DeCamp moves to return LB 143 to the Public Works Committee.

SPEAKER MARVEL: Senator Nichol and then Senator Chambers. We are on the DeCamp amendment.

SENATOR NICHOL: Mr. Chairman, Senator DeCamp, why don't we just look at it out here instead of taking it back to committee and look at it? Senator DeCamp, why don't we just look at it out here instead of taking it back to the committee, then we will all know what is going along all the way?

SENATOR DeCAMP: Well, you see it is starting to show an awful lot of vitality.

SENATOR NICHOL: Yes, it is kind of interesting though.

SENATOR DeCAMP: And back in committee I kind of know how much vitality it would have and cut here if it isn't killed and prolongs and keeps hanging around it could use up a lot of time...it might even pass and, quite frankly, I can live with the situation we have now as a lot of other people can but I don't know that this would enhance my driving on the highways any and...

SENATOR NICHOL: Okay, thank you.

SENATOR DeCAMP: ...if it were returned to committee it would be settled. It would be contained, so to speak.

SPEAKER MARVEL: Senator Chambers. We are on the DeCamp motion to return the bill.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, somehow I feel that Senator DeCamp has right now exactly what he wanted which is to make it appear that the bill is going to return the speed limit to 55 miles an hour with strict enforcement. I think that he has been working toward this goal. I think that was his strategem employed the other day and now that he has what he wanted I think you ought to give it to him. I think you ought to let him have 55 miles an hour which he predicted because Senator DeCamp needs to have certain things occur a certain way because he says they are going to occur that way. So, what I think he did in riding out the vote and not voting at all was to give signals to whoever those are on the floor who are following his lead. So I am totally opposed to sending the bill back to Public Works. If you want to pass it, it makes no difference. A lot of people think that I offered this bill for myself. They think that I am trying to get stricter requirements for the use of radar and the training of officers of the State Patrol for myself. I don't need those things for myself. When I go to court on a radar ticket I know that the equipment is flawed and I know the officers are not trained so they can't convict because they did not follow the requirements of the law to obtain a conviction. These bills are for the rest of you and I have to say, every senator on this floor including Senator Stoney, I have seen drive faster than 55 miles an hour. Yes, and he wouldn't deny it. So, here we are sanctimoniously, self-righteously, hypocritically, saying that 55 miles an hour saves lives and fuel but I am not going to do it. You ought to at least be like me. I am

telling you, if an occasion arises and I have to be somewhere and 55 miles an hour is too slow, I am not going to drive 55 miles an hour. There is nothing immoral about that. It is illegal but it is not immoral. See, when you talk about what is morally right and wrong, you go to what you can call the natural law or whatever you want to where you are doing to somebody, that which is hurtful that you would not want done to you. You degrade or hurt their humanity. The speed limit exists as a law only because the Legislature said it does. We could as easily make the speed limit 40 miles an hour, a 100 miles an hour, and it is not going to make anybody a better person or a worse person so we are not even talking about morality. The only way that morality can creep into the issue is if we talk about how much honesty is involved in the actions that we take. We should be the examples of what we say the law ought to be. You already know that if it is necessary with me to go faster than 55 I will do it but coincidentally I have not one single point against my license, not one. So I am not out there driving faster than 55 all the time. Sometimes, believe it or not, I find myself driving slower than 55, but I think this bill gives an opportunity for me to call the polygraph situation being before us again. We have hypocritical senators saying this is the way it has got to be, 55 and strict enforcement and I'll bet there are times when Senator Beutler, Senator Wesely, Senator Landis and some of these others who don't drive on the highway will probably drive faster than the speed limit in the City of Lincoln and I would like to hear them all stand up here and say, "No, I don't. I don't exceed the speed limit." I would like to hear them say, "I never park where I shouldn't park." If we are going to get ridiculous in it, then what you are going to have to say on this floor to be consistent is that every ordinance, every law, regardless of its purpose, regardless of its significance, you abide by it. And if anybody stood up here and said that, I would call them a liar even before they say it. They are a liar and the truth is not in them. Now I might exceed the speed limit but I am not a liar. I wonder how many others can say that and as I am driving from Omaha I am going to keep tabs every time I see an Omaha senator...

SPEAKER MARVEL: You have a minute left.

SENATOR CHAMBERS: ...whether riding with somebody or driving going faster than 55, I am going to stand on the floor and tell on you. That is what you say you are. So, you ought to be what the flag you fly represents. If driving 55 makes you a good guy, then fly the flag that says, "Jesus Saves." If driving faster than 55 means you

are a pirate, then I would be flying the skull and cross bones but I will tell you what. You would know from the flag that I fly what I am and there is nobody on this floor or in this state whose opinion means so much to me that I am going to lie to try to impress them.

SPEAKER MARVEL: Thirty seconds.

SENATOR CHAMBERS: I will never say that 55, because it is on the sign, is going to determine the rate of speed that I will drive at all times and I know that nobody else can honestly say, that 55 is the speed that they never exceed, and I am talking about on purpose.

SPEAKER MARVEL: We are on the DeCamp motion to refer the bill back to committee. Senator Cope.

SENATOR COPE: Mr. President and members, I call for the question.

SPEAKER MARVEL: There are no other lights. The motion before the House is the adoption of the DeCamp motion. All those in favor...do you want it read again? All those in favor vote aye, opposed vote no. Erase the board. Senator DeCamp, the Chair recognizes you to close on your motion.

SENATOR DeCAMP: Very sporting of you.

SPEAKER MARVEL: You'd better take advantage of it while I feel that way.

SENATOR DeCAMP: Senator Chambers, as incredible as it sounds, incredible as it sounds, I did not plot, maneuver, manipulate, strategize or do anything else on this particular bill. I was not even involved in your conference and why you are owly at me, I don't know. I simply suggested the other day, if you will recall, from the pattern that was developing on the board, on repeated votes, that it looked like they were going to put this very amendment of Chris' on. I think that is exactly what I said. I said, for that reason I would just as soon kill the bill. Now, I think there is going to be kill motions up. I think there is going to be amendments. I think you are going to play around with this bill for another three or four days one way or another. There aren't 25 votes for anything. What I am suggesting, rather than killing your bill, Senator Chambers, I suggest it be returned to committee. Why? Because I suggest that within the next eighteen days, forty-five days, ninety days, probably before the end of this session you are going to get a clear signal from Washington as to what they intend to do.

Ronnie is going to be put into a position of saying, yes, no, we aren't going to withhold funds, we are going to withhold funds. They are going to get boxed in with some of these other state legislators doing something. Rather than spend our time trying to kill, not kill, trying to make 65, 60, points, no points, I suggest you keep the bill alive and in committee where it is in a position to have action taken on it, once we get a clear signal from Washington and once you get some feel for what is acceptable to 25 or 30 members out here. If I wanted to kill the bill I would have put a kill motion on it because there is half a dozen up there. Senator Haberman has got one, Newell has got one. I am saying no. You may have some merit in your proposal but you need some more information on the national level to clear up some of the questions. I think you need some developing or jelling of the pudding here and your bill is still alive in committee, can still have treatment, whereas you try to advance it, just from what you can see up there, it has got problems. That is all I am suggesting. Return it to committee and keep it alive and wait for some developments.

SPEAKER MARVEL: The motion is the adoption of the DeCamp motion on LB 143. All those in favor of the DeCamp motion vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: 9 ayes, 26 nays, Mr. President, on the motion to refer to committee.

SPEAKER MARVEL: Motion fails. What is the next motion?

CLERK: Senator Newell moves to indefinitely postpone LB 143.

SPEAKER MARVEL: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, this bill hasn't gotten any better and it is taking a lot of time and it really needs to be dealt with in a more expeditious manner. I can think of no more expeditious manner than to kill the bill. That will be quick, fast and we could go on to more important business than messing with this speed limit thing at the various recommendations that are now being proposed. Senator Chambers just mentioned 60 was better than 65, some people might want to go to 70. I think this bill has long endured, far too long endured in this legislative process and must be dispensed with and that is why I offer this kill motion and I urge you, I implore you to kill it so we can get on to something else.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, I call the question.

SPEAKER MARVEL: The question has been called for, do I... Okay, the Chair will acknowledge that we are going to proceed with discussion and, Senator Stoney, the next one is Senator Wesely. Your light is on to discuss the Newell motion to indefinitely postpone. That is the issue before the House. Do you wish to speak to that motion?

SENATOR WESELY: Yes, Mr. Speaker, I just wanted to say that I think it would be an absolute sham to go back to the system we now have where essentially we have a 65 mile per hour speed limit because of the light penalties we have. I think we ought to be honest. I think we are back to honesty with the amendment that Senator Beutler offered and I think an honest policy where if we have a law, let's enforce it is the best policy of the State of Nebraska. I think to kill this bill would allow us to go back to a situation which I think is unconscionable for a body of lawmakers to stamp their approval to.

SPEAKER MARVEL: The Chair is going to make a comment and if you want to challenge me on the comment, that is fine. I think that we have been more than lenient as far as discussion is concerned. The Chair is helpless, in effect, in trying to bring the groups together to settle the matter. I suggest for instance that you look at your agenda for today and see how much progress has been made by this Legislature. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we establish priorities, those things that are important to us and to some people this morning the grain embargo issue was important so they will discuss that but they won't discuss this. I didn't discuss the grain embargo matter. Now at any point, enough senators, if they don't want me to talk about something, can vote to suspend the rule that requires debate but they simply show what they are and I will certainly tell what they are. We are not down here to win friends. That is never going to happen. The cutthroat, back-stabbing hypocrisy occurred during the precession maneuvering. Things are getting tighter now and these little fragile coalitions that I told you were going to break down are going to begin to break down. The Legislature can never function as a well-oiled machine such as you might have in the army where a Captain tells a Private, "Go over there and guard my car, Private." And the Private says, "Well, there is not even a car over there." He can say that in his mind but he can't say it out loud because the Captain gave the order. I

don't have any captains here so I am going to say what I have got to say on every issue until the Legislature votes to suspend its rules and stop me. If we become uncomfortable with discussions of hypocrisy, we should just stop being hypocrites. We don't have to wear all these buttons and badges proclaiming to the world what we are supposed to be and then our conduct does not conform with it. That is the only enjoyment I can get on the floor of the Legislature. You kill everything that I want to get that is beneficial to the public because I offer it. So, I've got to get something to give me satisfaction too and that is what I am getting now. It gives me great pleasure to watch my colleagues squirm because they know that they are not going to abide by this so-called honest policy that they are putting on the books. It looks good in the paper and it sounds good on television. Senator So-and-So, old straight arrow, why he is the Tom Osborne of the Legislature. He wouldn't go above 55 miles an hour but then you are driving on the highway and there he does. He goes faster than 55. So what is a poor simple person supposed to make of that when he observes his public officials carrying on in this fashion? I say, that the original proposition of allowing the ten miles per hour grace was, in fact, honest because it stated what the intention of everybody was. It is to allow the signs to say 55 miles an hour so federal funds won't be taken but to allow people to drive at the rate of speed, which is feasible which the State Patrol knows is feasible, which they themselves will dial up on their radar before they declare a violation. Sit in traffic court. Most of the violations are between 66 and 69 miles an hour. If you are going to talk about experience, I've got it because I have been there and I have watched it. Ride with them on the highway. They will show you. They are not lying. They are not hypocrites.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: But you can create hypocrites out of them. They cannot enforce 55 miles an hour and for those who want to do some statistics and the Lincoln senators like that, remember the interstate is not all that they have to deal with. They have got state roads, county roads and every other kind of road to deal with and you all are going to sit around here talking about you are for law enforcement, you are against hypocrisy and you are putting an impossible burden on law enforcement. I don't get that. My main reason for being for 65 is because that is what people are driving but I don't want the bill killed. I want to keep it alive and if you want 55, then let it be 55 with the penalties and we

will never see Senator Hefner with a ticket, never see Senator Lamb, Senator Kahle or any of the others with tickets and I will never see any of these Omaha senators exceeding 55 miles an hour. I am opposed to the kill motion and I mean it.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman, Senator Newell, if we do as you have made the motion, indefinitely postpone, you know I am a freshman so I don't understand all this. Will that, in effect, put the speed limit back to 65 and if you go up to 65 and get a ticket, you will be fined ten dollars but it will not go on your driving record. Is that correct?

SENATOR NEWELL: Basically it is correct only the way it works, it would go to 55 instead of 65 and then there is a ten dollar fine, no points lost, to 65 on the interstate.

SENATOR HIGGINS: All right. The reason I would like to support Senator Newell's motion is this. And, Senator Chambers, I want to do something for the people the same as you do. As a licensed insurance agent every year I see people whose cars I insure, get increases in their insurance premiums because their motor vehicle report shows they were speeding. Now the insurance company doesn't know if they went one mile over the limit, five miles over the limit or fifty miles. So I am in favor of putting it back to where it was so that the poor people that have to keep paying these increased insurance automobile rates will at least have a break there. They won't get an increase in their insurance for going five miles over the speed limit. Thank you, Senators.

SPEAKER MARVEL: Before we proceed, Senator Landis is asking a call of the meeting of the committee, Urban Affairs Committee underneath the North balcony, now. Senator Cope.

SENATOR COPE: Mr. President and members, I call for the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, shall debate cease? All those in favor vote aye, opposed vote no.

CLERK: 27 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried. Debate has ceased. The Chair recognizes Senator Newell to close on his motion.

SENATOR NEWELL: Mr. President, members of the body, let me just for a second try to get your attention and try to frame this issue as it ought to be framed. The fact of the matter is that this bill is now at 55 and it can't move. We all know the votes are not there for the passage of the bill in its present form. If we send it back to committee and spend a lot of time and it comes back out here or if it does not come back out here or whatever the situation is, it doesn't have the votes to move at 65 either. So what we really have is a bill that is going to be debated and debated and debated until we find the magic number that does not exist and, frankly, the truth of the matter is that our present system is the preferable system and that that is the only thing that is going to be in effect after this session is dead and gone. The only other question then remains, do we continue to debate this issue and there are some that would like to debate this issue until we fully understand it, as if you did not understand it now. So with those of you who do understand it and I sense that there are a solid majority in this body that understands it and knows it isn't going to go anywhere but it is going to be discussed and debated, for those of you, I urge you to put this bill out of its misery and the body out of its misery, dispense with this bill so we can get on to more important matters. Thank you.

SPEAKER MARVEL: The motion before the House is the adoption of the Newell amendment. All those in favor of that motion vote aye, opposed vote no. This is a kill motion. Have you all voted? Senator Newell. One more time. Okay, record the vote.

CLERK: 15 ayes, 24 nays, Mr. President, on the motion to indefinitely postpone.

SPEAKER MARVEL: The motion lost. Do you have another motion?

CLERK: Mr. President, Senator Beutler now moves to amend the bill: (Read Beutler amendment as found on page 519 of the Legislative Journal.)

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I didn't intend to speak any more on this issue but a technical problem has been created by the fact that Senator Goodrich did not...withdrew his amendment and did not present it to the Legislature. His amendment, as you will recall, had to do with the Governor's discretion to change the speed limit in the event the federal funds were withdrawn.

That provision is presently in the bill but with the amendment that you just previously adopted, the speed limit was reduced to 55 so now it doesn't make sense to have a provision in the bill that gives the Governor discretion. So this is a mere technical amendment to take out that provision having to do with the Governor's discretion since it is no longer relevant. Thank you.

SPEAKER MARVEL: The motion is the Beutler amendment to 143. All those in favor vote aye, opposed vote no.

SENATOR WESELY PRESIDING

SENATOR WESELY: Record the vote.

CLERK: 27 ayes, 1 nay, Mr. President, on the motion to adopt.

SENATOR WESELY: The amendment is approved. Next amendment on the desk.

CLERK: Mr. President, Senator Chambers moves to amend LB 143 to set the interstate speed limit at 60 miles per hour.

SENATOR WESELY: Senator Chambers.

SENATOR CHAMBERS: (Mike not activated.) ...others and I think maybe Senator Higgins and some had said that 60 miles an hour was an amount that they would vote for. They voted against 65. Now I am offering what I have been forced into a position to offer, that 60 miles per hour. Now when Senator Higgins voted for Senator Newell's kill motion she mentioned an insurance argument that I mentioned as a justification for raising the limit to 65, namely that the insurance companies can clean up or deny people insurance simply by having them get a speeding ticket and anything over 55 is a speeding ticket. So there are insurance considerations but when I mentioned it it didn't seem to take much effect and when Senator Higgins mentioned it, it didn't seem to take much effect either because when I offered it to raise it to 65 she voted against me. When she offered the argument in favor of the kill motion I voted against her so it is clear that these arguments don't mean anything, however, I still think that 55 miles per hour is not a reasonable speed limit on the interstate. Senator DeCamp pointed out and quite correctly, that in not too far in the not too distant future, Washington is going to do something that will let people know, as most of us know already that the Reagan administration is not

is not going to cut off funds should a state raise its speed limits. In the law right now is the power for the State Department of Roads to raise the speed limit on any freeway in the state whether it is in within or without the corporate limits of a city. So if the Reagan administration makes its move and if the Governor decides that he wants the speed limit at 65 as has been indicated by his saying he would not veto a bill raising it to 65, then he can direct the State Department of Roads to raise the speed limit to 65. Then the Governor becomes the hero of the populace which I guess he has a right to be. That is one of the benefits of being in the Governor's chair but the speed limit can be raised by the State Department of Roads on any freeway right now. So it can be raised to 65 miles per hour and it does not require any action by this Legislature and I would venture to say that should that occur we will find all these senators talking about safety again. Because the sign says they can go 65 they will go 65 so again we are dealing with variables and relativity. The amendment that I am offering simply would say that the speed limit on the interstate will be 60 miles per hour and the amendment is stated in such fashion, that it is clear that only on the interstate will the speed limit be raised to 60 miles per hour. So I hope you will look at this as that word that I dread to even allow to come out of my mouth, a compromise, and adopt it. It still is close enough to the speed that people are driving that I think it is reasonable. 55 is unreasonable. 60 is not as reasonable as it could be but it is a step in the right direction so I hope you will support this amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would just say briefly that I would support that compromise. This debate has been so long that many of us may have forgotten what the majority on the Public Works Committee recommended to you in the beginning was that we have an honest 60 miles an hour speed limit. So I am happy that Senator Chambers has finally seen the wisdom of what the Public Works Committee recommended. Thank you, Senator Chambers.

SPEAKER MARVEL: The Chair recognizes Senator Chambers to close on his motion.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think Senator Beutler knew when he told me that the bill was still in committee that he was going to help amend it to 60 and that is probably what it would be but being hard-headed,

Senator Beutler, and thinking that I could show people the light, I thought I would go for what I thought the limit should be. I am acknowledging that I cannot get the 65 so I am accepting what the Public Works Committee did offer and I ask you again to support the amendment. And by the way, it is the last move I will make on this bill. If it is 60 I will not make any move to raise it to 65 this session.

SPEAKER MARVEL: The motion is the Chambers' motion on LB 143. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 29 ayes, 13 nays, Mr. President, on adoption of Senator Chambers amendment.

SPEAKER MARVEL: Okay, the motion is carried and the amendment is adopted. Senator Chambers, do you want to move the bill?

SENATOR CHAMBERS: Reluctantly, Mr. Speaker, I move that this bill be advanced at 60 miles per hour rather than 65.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. We are advancing the bill. The motion is the advancement of the bill. Record the vote.

CLERK: 27 ayes, 16 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced. Are you ready for LB 109?

CLERK: Yes, sir. Mr. President, LB 109 was offered by Senator Don Wagner. (Title read.) The bill was first read on January 12. It was referred to the Public Works Committee. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Kremer, the committee amendments.

SENATOR KREMER: Mr. Chairman, I will have to go back in a little background to bring the members of the body up to date on what the committee has done on this amendment.

SPEAKER MARVEL: He is discussing the committee amendments.

SENATOR KREMER: The committee amendments, Mr. Chairman.

SENATOR WAGNER: Mr. Speaker, members.

February 17, 1981

LR 16
LB 24, 109, 110, 114, 143, 188,
188A, 207, 207A, 234, 234A, 246,
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labedz and Chronister until....

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 19, 1981

LB 234, 234A, 143

called for \$200 a day. Excuse me, Senator Schmit, this is increasing the burial benefits from \$1000 to \$2000. I thought we was talking about the other bill.

SENATOR SCHMIT: I see, yes. Is this the maximum payment you can receive for burial if an employee is killed on the job?

SENATOR MARESH: That is correct.

SENATOR SCHMIT: And that goes up to \$2000?

SENATOR MARESH: Yes, and there is an average of two deaths like this per year so the fiscal impact is only \$2000.

SENATOR SCHMIT: Yes. That is been quite a little while since that has been raised, right?

SENATOR MARESH: It has been a long time, right. That is correct.

SENATOR SCHMIT: Okay, thank you, Senator.

SPEAKER MARVEL: Okay, the motion is the advancement of the bill. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 234 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 234A.

CLERK: I have nothing on the bill, Senator.

- SENATOR KILGARIN: I move we advance LB 234A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is LB 110.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move we advance LB 110 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. Bill is advanced. The next bill is LB 143.

CLERK: There are E & R amendments, Senator.

February 19, 1981

LB 143

SENATOR KILGARIN: I move the E & R amendments to LB 143 be adopted.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I now have a series of amendments.

SPEAKER MARVEL: Senator Hoagland, do you wish to take up your amendment?

SENATOR HOAGLAND: Mr. Speaker and colleagues, when we amended the bill last week, last Thursday, we inadvertently took out the fifty-five mile an hour speed limit for the interstate system around Omaha, the old double nickel around Omaha. Remember, there were a lot of different amendments attached Thursday and the bill changed and changed and changed again, and in the process, this protection that the body had virtually unanimously adopted the week before to keep the interstate system around Omaha at fifty-five was taken out. This is merely a corrective amendment that would reinstate that and reinstate that decision that we made two weeks ago. I would be pleased to answer any questions anybody might have about that. Thank you, Mr. Speaker.

SPEAKER MARVEL: Is that your closing, Senator Hoagland? It is his closing, too, opening and closing. All those in favor of the Hoagland amendment to 143 vote aye, opposed vote no. We are voting on the Hoagland amendments to LB 143. Have you all voted? Record the vote.

CLERK: 26 ayes, 2 nays, Mr. President, on the adoption of the Hoagland amendment.

SPEAKER MARVEL: The motion is carried. The Hoagland amendment to 143 is adopted.

CLERK: Mr. President, I now have a motion to indefinitely postpone the bill by Senator DeCamp. That will lay it over.

SENATOR DeCAMP: Mr. President, that would make the bill lay over. Rather than cause Senator Chambers that problem, I will simply pull the kill motion for now and give my reasons why I am going to vote against it in its present form later.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator DeCamp, your light is on.

SENATOR DeCAMP: Mr. President, I assume we can discuss or

debate the bill.

SPEAKER MARVEL: Let me make one introduction and then we will proceed. Underneath the North balcony, Wendel Hefner, who is Senator Hefner's brother, from Sioux City, Iowa is present. Will you raise your hand so we can say "Good Morning" to you? There you are.

SENATOR DeCAMP: Mr. President, members of the Legislature, I want to make it very clear what I perceive to be in the particular bill and why I am voting against it and I think it is important we understand what is in the bill because I think it is precisely the opposite of what most people think and what the World Herald poll polled. Number one, the bill appears to increase the speed limit to sixty miles per hour. It is my argument and I think those that have driven the interstate, those that are familiar with the system, Senator Chambers included, would have to say that in fact it is a lowering of the speed limit by five miles per hour rather than an increasing of the speed limit by five miles per hour. Why do I say this? Because when you adopted Senator Beutler's amendment, you eliminated the provision that now exists between fifty-five and sixty-five miles per hour to receive what I choose personally to call a \$10 energy fine without points, without court costs, without anything else. You put the entire system of points, court costs and everything else into the law and at sixty-one miles an hour you would get the court costs, you would get the points, and so on. The net effect is a lowering of the speed limit for all practical purposes by five miles per hour. That may be good. That may be what you want, but at least know that is what you are doing because the poll in the World Herald and the poll that the people are thinking is that you are giving them another five miles per hour on the interstate. Now what is the benefit that you are getting in return for doing this? The benefit is that you are risking your federal funds when you think you are increasing when you are actually decreasing. So who are you helping? Which group are you accommodating? Is it the people that want to go faster? No, once they discover what you have really done they are going to say, "Hey! You hurt us. You didn't do what we thought." Are you accommodating the law, the sacredness of the laws, and sanctity of enforcement? No, because you are defying the feds and risking losing your funds. Who are you accommodating? I submit in this form the bill is a total disaster. If you want to go to sixty-five, fine, and you want to have some system so that we can get it back to fifty-five if we really do lose funds, I could go along with that. But that is obviously not going to. It hasn't flown so far. So I submit

to you the best thing is simply not to advance the bill. As I say, I had a motion to kill it. Ernie gets mad at me when I put motions to kill on his bills. So I didn't do it unless he'd say he wouldn't get mad if we tried. Would you get mad? Are there any other amendments up there?

SPEAKER MARVEL: Yes, there is an amendment by Senator Fenger.

SENATOR DeCAMP: I would let him have a shot at that.

SPEAKER MARVEL: Senator Fenger.

CLERK: Mr. President, Senator Fenger moves to amend the bill: On Pg 4 Line 3 strike sixty. Replace it with sixty-five.

SENATOR FENGER: Mr. Speaker, members of the body, I just listened to my learned colleague, John DeCamp, and hastily scratched that amendment. I believe his wisdom is sound and I think if we are going to vote on this thing on third and Final Reading, let's vote on it on the basis of sixty-five as opposed to fifty-five and not in effect reduce the speed on the interstate highway in the State of Nebraska by five miles an hour.

SPEAKER MARVEL: Senator Kahle, do you wish to speak to the Fenger amendment?

SENATOR KAHLE: Well, Mr. Speaker, it does relate what I have to say. The thing that bothers me about this whole issue including what Senator Fenger wants to do and what we have done with the bill is that we have right now we are changing it from fifty-five to sixty miles an hour. In my book that is a very small change. I have a little trouble getting my cruise control set that close. It jumps up about three miles when I punch it. So I am really in that neighborhood anyhow. But the objection I have to this whole thing, if we are going to change it, let's change it enough to be effective, at least make some change because right now from fifty-five to sixty we are going to change every sign along that interstate highway, I don't know how many thousands of them there are. We are going to have to change the manual that we put out that you study when you take your driver's license. How many other things we are going to have to change I really have no idea...all for five miles an hour. It doesn't seem reasonable and that is what my people back home are telling me. For goodness sake, if you are going to change it, change it. If not, leave it where it is.

SPEAKER MARVEL: Senator Chambers, do you want to speak to the Fenger amendment?

SENATOR CHAMBERS: Yes, and I will very brief. I doubt that anything new can really be said on this issue and the only item that was injected into the discussion that is somewhat different is the article's coverage of comments made by Mr. Reagan last night saying that the money that was available to enforce the fifty-five mile an hour limit is going to be cut off, that they still are not in favor of trying to coerce the states into having a fifty-five mile per hour limit and even stated that there are areas in the western part of the country where they are opposed to the enforced limit. So I think these are indications that federal funds are not going to be cut off. I don't really think that is a primary issue in anybody's mind anyway, but if it is, if we pass the bill as soon as possible, we will get an answer to this question for everybody in the country precisely what will the administration do and we will still be in session with a large number of days, and if it becomes necessary to take additional action to protect funds or whatever, there is time to do that. So what Senator Kahle said is something that I have heard a great deal that it should be raised at least ten miles per hour, and one of the arguments that was given was in changing the speed limit signs even. Rather than having to change two digits, both fives to a six and a zero, then only the first one is changed to a six. Now that had not been an argument that I had made or even considered but it might be something to think about. I think Senator Fenger's amendment is reasonable. It is what I wanted in the first place, but when the bill moved off General File, I said I wouldn't make such a motion so I wasn't going to make it and I didn't.

SPEAKER MARVEL: We have an amendment on the desk. The Clerk will read the amendment.

CLERK: Mr. President, Senator Marsh moves to amend the Fenger amendment by striking 65 and inserting 55.

SENATOR MARSH: Mr. Speaker and members of the Legislature, this is what we ought to be doing. Think of the money we will save. We will not have to change any of the speed limit signs. Think of the lives we will save. We will not have to encourage people to drive over fifty-five miles an hour. Think of the gasoline, the energy, the motor fuel which can be saved for our children and grandchildren in the generations to come. This is your opportunity to do what is right as well as save money for the State of Nebraska. How much will it cost to change the signs? Thousands and thousands of dollars, perhaps hundreds of thousands of dollars and you will not have to expend it if you adopt this amendment.

SPEAKER MARVEL: We are on the Marsh amendment to the Fenger amendment. Senator Cullan, do you wish to be heard on that?

SENATOR CULLAN: Mr. President, I would like to call the question now and every other time we debate this issue.

SPEAKER MARVEL: The question has been called for. Do I see five hands? The motion before the House is shall debate cease? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays to cease debate.

SPEAKER MARVEL: Debate has ceased. Senator Marsh, do you wish to close on your amendment? Your amendment is to the Fenger amendment.

SENATOR MARSH: Mr. Speaker and members of the Legislature, the opportunity is now for saving thousands and thousands of dollars, our joint hard earned tax dollars for the State of Nebraska. If this amendment is adopted, the speed limit signs will not have to be changed. We will continue to save lives in the State of Nebraska. We will continue to save energy for our future and the future of the generations yet to come. I urge your support for the amendment to LB 143.

SPEAKER MARVEL: The motion is the adoption of the Marsh amendment. All those in favor of that motion vote aye, opposed vote no. Pat, will you read the amendment again.

CLERK: Mr. President, Senator Marsh moves to amend Senator Fenger's amendment by striking 65 and inserting 55.

SPEAKER MARVEL: Have you all voted? Have you all voted? We are voting on the Marsh amendment to the Fenger amendment to LB 143. Record.

CLERK: 25 ayes, 11 nays on the adoption of Senator Marsh's amendment.

SPEAKER MARVEL: Okay, the motion before the House now is the Fenger amendment as amended by Senator Marsh. Senator Fenger, do you wish the floor?

SENATOR FENGER: Mr. Speaker, members of the body, it is obvious that somebody has sent a boy to do a man's job this morning. I feel very uncomfortable. I am in the position of asking this body to reject an amendment that I apparently erroneously offered some fifteen minutes ago and offer my personal apologies for doing so. Thank you.

I would request automatic permission to withdraw the amendment as amended.

SPEAKER MARVEL: The motion before the House is the Fenger amendment as amended. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: My light has been on, Mr. Speaker, for sometime. Isn't this debatable?

SPEAKER MARVEL: Yes.

SENATOR BEUTLER: I would simply like to suggest that the body reject the amendment. Consider for a moment, we are very amused here today but the people of the state are getting impatient with us and I don't think it is very humorous. We do have a lot of important things to go on to and here we are yo-yoing back and forth on this again. Let's just reject the amendment, hold to the sixty miles an hour and go forward. Nobody is going to withdraw federal funds. It would be ridiculous if they did. Afterall, we are in effect lowering the speed limit a little bit but we can't go on like this because I think we are hurting ourselves now. Let's make up our mind now and go through with it, proceed with some confidence in our own decisions. This is ridiculous. Thank you.

SPEAKER MARVEL: Senator Newell, do you wish to speak? Senator Cope, do you wish to speak? We are on the Fenger amendment as amended. Senator Clark, do you wish to speak?

SENATOR CLARK: Yes, Mr. President and members, are we on the Fenger amendment, sixty-five?

SPEAKER MARVEL: We are on the Fenger amendment, yes, it is the Fenger amendment amended by Marsh. Okay, it is amended by Senator Marsh and Senator Marsh's motion is fifty-five.

SENATOR CLARK: Fifty-five?

SPEAKER MARVEL: Yes, sir.

SENATOR CLARK: Boy, if that doesn't throw me into it. I was outside talking to a couple of people. I just called Wyoming this morning to their Legislative Council, and also Oklahoma. They both have bills that are still in committees and, of course, it takes longer in a two house than it does the one house, and they are both at sixty-five miles an hour. They both tell me that they expect that bill to pass in both places. Now why we would go fifty-five, sixty, anything else except sixty-five is more than I know. I have a call in program

on Saturday mornings out home. People are calling in about this sixty-five miles an hour and no one called in and said drop it to sixty or fifty-five or anything else. They want it at sixty-five miles an hour. If you want to go along with the people, the people are the ones that are asking for the sixty-five miles an hour. This was not a safety measure to start with. The only reason we put it there was so we did not lose federal funds. That threat is gone. We don't have to worry about that. I would not vote for the bill if it were seventy or seventy-five but sixty-five is a reasonable speed. It is the speed that the people out there are going now. If we have saved any lives at all, it has not been between seventy-five and fifty-five, it has been between seventy-five and sixty-five because that is the speed that they are traveling out on the highway. I would certainly not vote for the bill anything except sixty-five. Thank you.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, and members of the Legislature, I just wanted to make a remark to Senator Fenger. You shouldn't say they sent a boy to do a man's job, you should say they sent a lady to do a man's job.

SPEAKER MARVEL: Senator Barrett, do you wish to be recognized?

SENATOR BARRETT: Yes, Mr. Speaker, a point of information.

SPEAKER MARVEL: State your point.

SENATOR BARRETT: Where are we at the present time? Did the Chair refuse to withdraw the Fenger amendment?

SPEAKER MARVEL: The Fenger amendment, the author of the Fenger amendment did not withdraw it. It was amended, therefore he couldn't withdraw it.

SENATOR BARRETT: We are considering the Marsh amendment to the Fenger...to the bill, fifty-five, is that correct, Senator Marsn?

SPEAKER MARVEL: We are considering the amendment to the Fenger amendment so in effect we are talking about fifty-five miles an hour.

SENATOR BARRETT: Thank you, Mr. Speaker.

SPEAKER MARVEL: The Fenger amendment as amended makes it fifty-five. Okay?

SENATOR BARRETT: Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Marsh, your light was on. Do you wish to be recognized?

SENATOR MARSH: Mr. Speaker, I would simply urge the twenty-five members who had the courage to vote for the amendment to the amendment to vote for the amendment to the bill.

SPEAKER MARVEL: Okay, the motion before the House is the Fenger amendment as amended which means we are voting on fifty-five miles an hour. All those in favor of the Fenger amendment as amended vote aye, opposed vote no. We are voting on fifty-five miles an hour. Have you all voted? Senator Marsh.

SENATOR MARSH: I would request a Call of the House.

SPEAKER MARVEL: Shall the House go under Call is the motion? All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 18 ayes, 7 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. All unauthorized personnel please leave the floor. Record your presence. While we are waiting for...let's see, we have two absentees, Senator Rumery and Senator Stoney. While we are waiting for one or two others, in the North balcony from Senator Schmit's District, 34 8th grade students and 8 adults from St. Mary's School, David City, Nebraska, Charles Denson, Principal and Father Robert Hrdlicka is the teacher. May we give them a hand. The Clerk is authorized to take call in votes.

CLERK: Senator Stoney voting aye. Senator Carsten voting no. Senator Goll voting no.

SPEAKER MARVEL: Do you want a roll call vote? Okay. Is everybody in their seats? All legislators must be in their seats. We are preparing for a roll call vote. Begin the roll call.

CLERK: (Roll call vote taken. See page 577, Legislative Journal.) 24 ayes, 24 nays, Mr. President.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, Senator DeCamp now moves to indefinitely postpone the bill. Pursuant to our rules, that would lay the bill over. However, Senator DeCamp has a

motion to suspend Rule 7, Section 3 (a) so as to consider the kill motion today.

SENATOR DeCAMP: Only if Senator Chambers approves. He says, yes, so I move to suspend the rules to take up the issue immediately.

SPEAKER MARVEL: The motion before the House is the suspension of the rules. All those in favor vote aye, opposed vote no. Record. Okay, we need to revote. Will you please vote again. This is the suspension of the rules. Have you all voted? Record the vote.

CLERK: 33 ayes, 4 nays to suspend the rules and take up and consider the kill motion today.

SPEAKER MARVEL: Motion is carried. Rules are suspended. Senator DeCamp.

SENATOR DeCAMP: Mr. President, my arguments are relatively simple. At fifty-five with existing law right now incredible as it sounds we have two things going for us. One, we can go sixty-five and, two, we are in compliance with the federal law. Now you can say that ain't right and wrong and all that. Those are the facts. At fifty-five, right now we are in compliance with the federal law. It has been to the Supreme Court, and if you want to pay \$10 and risk it and go sixty-five, you can do it. That is the situation now. Now here is what the bill does, and there apparently isn't...there aren't the votes to get it sixty-five and get it passed which, quite frankly, I would like but here is what the bill does now. It says you can go sixty, which means now you are out of compliance with the federal law, so you haven't gained anything there. Now you are fighting with the feds, and to the people that think they are going to be able to go sixty, they are actually going to be lowered five miles from what they could go right now under fifty-five, because at sixty-one, the whole system comes into play. Senator Beutler eliminated that special thing that the Supreme Court said is legal, that the feds apparently have accepted, and that we are the only state that has but that we have kind of gotten used to here and kind of like. And so for this reason alone, because there is no net benefit and a lot of deficits in the bill, one, we are out of federal compliance, and you can say they aren't going to enforce it. All they said in the articles was that they weren't going to put any more federal money to enforce it as far as safety goes. All they have to do though is, I think Senator Peterson and some others may have commented, just withhold funds now. They don't have to jack around and

say, "We are withholding these or that or anything", they can just withhold them. I say it is not worth the risk when you are lowering the goldarn speed limit. If you were raising it really instead of lowering it, that is all the reason I am trying to kill for because I don't think I can get the other. I have watched Ernie try it. Kind of like whistling in the wind after awhile. I thought if we sent it back to committee like I originally suggested, we could buy time and get a clearer picture but that didn't fly and it is obvious that about the time you think you are going to get sixty-five, it goes to fifty-five. About the time you think you are going to get more lenient, it gets stricter with Chris Beutler's amendment. So I have just kind of given up, I think it is time to throw in the towel.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, two points I would like to make. There is still some good in this bill. I don't care whether it is fifty-five or sixty or sixty-five, there are two good things in this bill. Now I can live within any of those speed limits and I think most of us can but there are still two good things in this bill. What are they? One is we will put back the idea of taking points away as we do in other traffic infractions and what is fair about taking points if you are speeding on one highway and not taking them away when you are on another. When I see those truckers beating hell out of that I-80, it makes me mad and it is us, it is we who is paying for those damages to that highway, and if you don't think they are all across the state, drive it. We have repaired it up to about from the east portion of the state to about the middle but it is going to pot from there on west and every summer we have big crews out there cutting strips out of those cracks and replaciing them with cement. That is one thing that is there. The other is we will put back the idea of taking points away from speeders across the state. Now a trucker pays no attention to paying a \$10 fine. That is nothing. But when they can speed at almost any rate they want across the state, they do it, and when I can drive fifty-five and they pass me going almost twice it seems as fast and beating the heck out of that highway, I don't like it and I don't care what the speed is left in this bill, we should keep the bill and put those features back into it so that we have some control over the speeding of trucks on that interstate. I think it is very necessary that we keep this bill.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature,

I would strongly urge you to reject the kill motion. I think Senator DeCamp made two of the most preposterous arguments that he has made on the floor this year. First of all he says we can go sixty-five under the present law. Well, we all know that is true but think of what we are doing. We the lawmakers, we who are demanding respect for the law from everybody in the state are standing up here on the floor of the Legislature and saying let's reject this so that everybody can go about disobeying the law. Senator Nichol is absolutely right. If we are going to have a law, let's have a law that we expect to be enforced, let's have a realistic law. Then Senator DeCamp stands up and tells you, well, why risk the federal government taking away the funds. Well, how long ago was it that he wanted it at sixty-five and he was willing to risk the federal government taking away the funds. Now think about it for a minute. Think what a preposterous situation the federal government would be in if they attempted to take away our funds at this point. They have gone along knowingly, full well knowing that everybody in Nebraska is breaking the law up to sixty-five miles an hour because the Nebraska Legislature made a law that allowed it and because the legislators stood up on the floor of the Nebraska Legislature and promoted it and they know that is happening. Now if we effectively, effectively, I say, reduce the speed limit three or four miles an hour, now they are going to come along, and say because you have effectively lowered your speed limit, we are taking away your funds. I can't believe any administration would have the audacity to do something like that. That would be completely hypocritical. It is just not going to happen. Again, we have been through all this before. Let's hold steady in our course. We are looking ridiculous to the people of the state now. We come around and around on these things. Let's just hold steady, reject the kill motion, advance the bill, not spend any more time on this and get the job done. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, when the bill started out, it was what I really believed was a good, effective, workable, feasible piece of legislation. It was considered by some to be a radical position and I found myself on the other side of the line to people in the body who might be considered conservative with respect to certain things. Now it seems that the tables have turned and I find myself in league with those that were on the opposite side in the first place. When I tried to get the sixty-five and couldn't, I argued and others did against returning it to fifty-five and taking away the grace. When that was defeated, going back to fifty-five and it was agreed to put the amount at sixty, I said I would not try to raise it to sixty-five and I am not

going to do that this year. The things that Senator Nichol said are true. I would never make his arguments in trying to lower the speed limit but there are problems if you do have the situation where people can speed with impunity. I am not denying any of that. Now let me plead guilty to the thing that I have done. I said when they imposed the fifty-five mile an hour speed limit it was a hoax and I would do anything I could to make inroads on that law. Originally I tried to make the fine only \$1 with no court costs and no points off the license. I did it, I meant it and I would not undo it. However, here is what I am prepared to do. Use a bill which will give those who think that that procedure of giving the grace above the fifty-five, as long as it is not more than ten over the limit, they want to take that out but they are willing to raise the limit on the signs to sixty miles an hour. Senator Higgins, Senator Labedz and others have said that they could support sixty. Senator Higgins mentioned some of the arguments I had offered that going over fifty-five and getting a ticket can cause you to have to pay higher insurance rates or be denied insurance. So there are weighty things to consider no matter what we do. But let me be completely frank with you in my position. I am for raising it from fifty-five to sixty-five. I don't like losing the grace amount but that is a part of it. Also we can get an answer for the entire country as to what this administration intends to do relative to the speed limit. We will be in session and we can take any corrective action should it be necessary but it won't be necessary. So it seems to me that Henry Clay and Senator DeCamp would be proud of having reached a stage where nobody likes what is in the bill. That is where we are now but we are not going to do anything else. We are not going to kill it. We are not going to get sixty-five. We will toy with fifty-five but that won't stay. So sixty seems to be where we are. I am going to give a brief example of what I mean and then I will sit down. There is a concept in the animal kingdom of territory. There are invisible lines that separate territories for animals of the same species and they have checked where wild dogs, one will intrude into the other's territory. The deeper he gets into that territory, the less confidence he seems to have and the stronger, the more confident seems to be the one whose territory it is, so he chases him out and the offender runs into his territory. The deeper he gets into his, the more courage he gets, the more cowardly becomes the other, and they chase each other back and forth, back and forth until finally they reach that line and each stands on his side of the line glowering and snarling at the other. That is where we are right now, glowering and snarling, but we seem to have found the line. Those on one side are not going to cross to the other and vice versa so

I think we should defeat the kill motion and advance the bill. Then whatever happens on Final Reading would have to happen.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I have not participated in this debate extensively, although I have always been a supporter of Senator Chambers' proponent to raise the speed limit to sixty-five. I supported it in the Public Works Committee at a time when virtually no one else thought they could vote for that bill. And so I do believe that we should raise the speed limit, do it honestly, but I rise at this point in time in opposition to Senator DeCamp's kill motion for many of the reasons that have been stated previously. But to me there is a more basic fundamental issue that I have not heard addressed in the entire debate on the speed limit and that is the fallacy that really exists under the current fifty-five mile an hour speed limit in allowing the, as Senator Chambers calls it, the ten mile per hour grace period. What we are really doing is saying to the law that in the State of Nebraska the speed limit is fifty-five and then we are saying, "Go ahead and break it and we will do everything we can to encourage you to break that speed limit and we won't punish you extensively if you do violate the speed limit". So what we are really doing under the current system with this so-called grace period or ten mile an hour grace system is encouraging what I think is a disrespect for law and order and a disrespect for the statutes of the State of Nebraska. I don't like to see us encouraging people to violate the law. Whatever the law of the State of Nebraska is, I think many people try to live within it and there is something wrong with us establishing a law and establishing a limit and then encourage people to violate that law. And so I very much oppose the grace period, as Senator Chambers has called it, and that is the provision in LB 143 that I like now. We are finally starting to treat people the same statewide for the same violations. In my legislative district, we don't have an interstate system, and in my legislative district when you exceed the speed limit and you are fined, you are fined and points are assessed against you. If you are exceeding the speed limit on the interstate system, you don't have points assessed against you and I guess I think there is something fundamentally wrong with a system that treats people differently for the very same infraction just because they happen to be driving along on two different highway systems. We should treat people similarly for the same offense. I am not so concerned about what that penalty is or what the speed limit is but I am concerned that first of all the Legislature should not encourage people to violate the law and, secondly,

the Legislature should assess the same exact penalty for violating the law in Lancaster County on the interstate as they do in Sioux County on Highway 2. This bill accomplishes that. It does increase the speed limit some and it is a good compromise. I also think that it is probably a good thing for us to increase the speed limit a few miles an hour if for no other reason than to set up the confrontation with the federal government over speed limits. The speed limit is a function and an exercise of the police power of the states. It is not a function of the federal government to implement and enforce a police power, and if we need to set up a confrontation with the federal government on this issue with just a five mile per hour increase in the speed limit, then sobeit.

SPEAKER MARVEL: You have about one minute.

SENATOR CULLAN: I think we are ready to challenge the federal government if that is necessary. This is a reasonable increase in the speed limit. It achieves equity statewide. I urge you to reject Senator DeCamp's kill motion. Let's advance the bill as the compromise has been worked out.

SPEAKER MARVEL: Senator Vickers. Senator Vickers, then Senator Higgins, then Senator Haberman, Senator Newell.

SENATOR VICKERS: Mr. President, I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Shall debate cease? All those in favor vote aye, opposed vote no. Okay.

CLERK: 27 ayes, 5 nays to cease debate, Mr. President.

SPEAKER MARVEL: Senator DeCamp. The motion is carried. Debate is ceased.

SENATOR DeCAMP: Mr. President, my remarks are addressed particularly to Senator Beutler and they are going to be a little harsh. Senator Beutler gave us a speech about my preposterous statements. Then he proceeded to make the most outlandish, from a legal standpoint, statements that I think I have heard since he came here. Now let's talk about those a little. He said we are encouraging, DeCamp is encouraging frustration and disrespect for the law. Well, goldarn it, Chris Beutler, that law that Senator Chambers passed has gone to the Supreme Court, has been tested, has been enforced, has been upheld by the feds. That is the law. Now you may not like it, Chrissie, but that, by god, is the law and it is there now and it has been upheld by the court. So what does Chrissie say to do instead

after saying that this thing that has been completely tested that he doesn't happen to like...like I don't like a lot of laws on the books either, Chrissie. Then after he says that this law that has been tested, he doesn't like, he says, "So go ahead and go with sixty". Now, Chrissie, you tell me that sixty doesn't violate the federal law. It does. Now you may not like that and I may not like it but it is a clear-cut violation and there ain't no ifs, ands or buts about that. You can read that in the books. You can hear that from anybody you want. You can even ask somebody dumb and they know because they can read it and tell you. So what you are saying is a law that has been tested and upheld that you don't like should be eliminated and one that you do happen to like should be flaunted. If you pass the sixty with all the good reasons and good intentions in the world, it is a violation of the federal law, and if you keep the existing system, it is compliance with the federal law and it does allow you to go sixty-five. Now I say, I didn't create the system. Ernie created it. Gave some of the most eloquent arguments in the world for it, and when the Attorney General said, "You can't do that" and the feds said, "You can't do it", they took her to court and Ernie won. So that has been tested, Chris, and that is the law and it is legal. Now you did admit one honest thing that has finally come out. You did really say it. You said, your opening sentence was, "Okay, so we are really lowering the speed limit by five miles an hour". That is what you are really doing and that is what it is all about. And if you go by the World Herald poll, they wanted to increase it because that is what they thought you were doing. Well, you are not. And, sure, I told you. I want to increase it to sixty-five. I make no bones about it but at least I am not playing hopscotch and games with you here. I am telling you the truth. I want it sixty-five. I can't get it. You have got the thing mumble jumbled up in confusion where you eliminate what we have that is legal that is pretty good and the people like. I don't care what you do with it but you have dumped away about four or five days just going in circles. There aren't votes to put it at sixty five. I don't think there is votes to put it at fifty-five and put your provision in. What is wrong with just leaving the situation the way it is? That is all I am suggesting.

SPEAKER MARVEL: The motion before the House is the DeCamp motion which is to indefinitely postpone the bill. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 13 nays on the motion to indefinitely postpone, Mr. President.

February 19, 1981

LR 19
LB 143, 20, 124, 167,
197, 313

SPEAKER MARVEL: Motion is carried. The bill is indefinitely postponed. What is the next? Okay, the Clerk has some items on the desk.

CLERK: Mr. President, your committee on Education whose Chairman is Senator Koch to whom was referred LB 313 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File.

Mr. President, I have a report from the Executive Board. It will be inserted in the Journal regarding selection of the ombudsman.

Mr. President, Senator Fowler would like to print amendments to LB 124; Senator Vickers, Beutler and Hoagland to LB 167.

Your committee on Public Health gives notice of hearings for March 12, Public Health for hearing on March 16 and your Constitutional Revision and Recreation Committee gives notice of hearing for February 27.

Mr. President, a communication from the Governor addressed to the Clerk...yes, sir.

SPEAKER MARVEL: I would caution the Legislature that after we finish what is on the Clerk's desk there are some amendments that go to 109. We will have to pass over that temporarily and then we go to Final Reading. So we will be on Final Reading in just a few moments. Go ahead, Mr. Clerk.

CLERK: Mr. President, a communication from the Governor. (Read. See page 580, Legislative Journal.)

Mr. President, a new resolution, LR 19 by Senator Cullan. (Read. See pages 580 and 581, Legislative Journal.) That will be referred to the Executive Board, Mr. President.

Mr. President, Senator Marsh asks unanimous consent to have her name added to LB 197 as cointroducer.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, finally, Senator Stoney offers explanation of vote.

SPEAKER MARVEL: The Legislature will be at ease for about three minutes and then we will go into Final Reading. The legislators will please take your seats so we can proceed. Okay, we are ready to proceed on Final Reading, item #6, and the first bill on Final Reading is LB 20. The Clerk will read.

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

February 20, 1981

SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

CLERK: The motion offered by Senator Chambers is to reconsider our action in voting to indefinitely postpone LB 143 on Select File. The motion was made on February 20 and inserted in the Journal on page 611, Mr. President.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as the one offering this motion I will request that we handle it expeditiously. I have given a number of handouts that include the basic arguments that I would offer. I think that nothing new really can be added to the situation but on the chance that in the rush and crush of this morning's business you did not see one of the handouts that I presented, there is a fact that I would like to draw to your attention and once again placed in the record. Because the 55 mile an hour limit is almost universally disregarded in the state, there is such a large pool of violators that the Patrol cannot possibly ticket everybody who exceeds 55 miles per hour. So to cut the number of violators they have established, informally at least, a policy of setting their radar alarm so that it will go off in most cases only if somebody exceeds 65 miles per hour. As my handout indicated I have made this statement during Judiciary Committee meeting, before the Superintendent of the State Patrol, Colonel Kohmetscher, in the presence of various troopers. It has never been gainsaid nor denied. It is a matter of fact. As the article that was attached to that handout stated in dealing with the Texas situation, the state police there almost have as much hatred for the 55 mile an hour limit as the motorist against whom they must try to enforce it. They are aware that there are other matters that have to go begging simply because so much time is spent trying to enforce an unenforceable law. As with prohibition when the public decides that it is going to do a certain thing there is no way that a law arbitrarily, especially when it has no relationship to reality or the safety and public welfare, there is no way that such a law can be enforced. So it is ignored by the public and the enforcers. What I am suggesting is that since there is, in effect, a 65 mile an hour sub rosa speed limit, meaning that it is not approved by the law but it is in existence de facto or as a matter of fact because of the lenient penalty in the law, what I would do is what it seems that everybody wants to do or at least if we put everybody together on the parts that they want we include everybody. A sizeable number want 65 miles per hour. A sizeable number want to do away with the lenient penalty. So, I think we ought to reconsider our action in killing 143, put in a 65 mile per hour limit, repeal the lenient penalty. Then if you want to bracket the bill to see if any other state passes a 65 mile

an hour limit which I am confident they will do and see what the federal government does. That can be done. I think no harm will be done by resurrecting this bill and amending it to 65, repealing the lenient penalty and then bracketing it. We would have to do it at this point because the rules require that a motion be filed for reconsideration the day of the action or the following legislative day which I have done. That motion must be disposed of within five days. So we are bumping against that limit and that is why it has to be taken up at this time. So I ask that you vote to reconsider that act in indefinitely postponing LB 143. That is my opening and my close.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Simply to say that I think you spent about four days on this. If you vote to revive it, if that is going to be your choice, then vote all the way for the 65. Don't play games. Don't hoke it up. If you put your green light up there and say you want to revive it, then you are saying you want 65, pure and simple the way they originally talked. You are willing to take the federal risk, whatever that may be. You are willing to go all the way. I don't think you are and that is why I am going to probably not vote to revive it. I don't know yet.

SENATOR CLARK: There is no one else to speak on the bill so we will take a vote on it. It takes 25 votes for a reconsideration. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, may I ask for a Call of the House because I think we will need it anyway?

SENATOR CLARK: Do you want a Call of the House?

SENATOR CHAMBERS: Yes.

SENATOR CLARK: A Call of the House has been asked for. All those in favor vote aye, opposed no. Record the vote.

CLERK: 15 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor. All senators will check in please. Will everyone check in please.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Fenger, will you record your

presence please. Senator Beyer, Senator Burrows, Senator Koch, Senator Fowler, Senator Chronister. All legislators, please return to your seats. Everybody is recorded present. Do you want a machine vote instead of a roll call vote? Are all legislators in their seats? All legislators must be in their seats before we can start the roll call. Okay, call the roll.

CLERK: (Read roll call vote as found on pages 678-679 of the Legislative Journal.) 11 ayes, 36 nays, Mr. President.

SPEAKER MARVEL: Motion lost. What other items do we have? Senator Wagner, for what purpose do you arise?